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WISCONSIN ADMINISTRATIVE REGISTER

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Emergency Rules Now in Effect

Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.

Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.

Occasionally the Legislature grants emergency rule authority to an agency with a longer effective period than 150 days or allows an agency to adopt an emergency rule without requiring a finding of emergency.

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency or a statement of exemption from a finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at www.legis.state.wi.us/rsb/code.

Beginning with rules filed with the Legislative Reference Bureau in 2008, the Legislative Reference Bureau will assign a number to each emergency rule filed, for the purpose of internal tracking and reference. The number will be in the following form: EmR0801. The first 2 digits indicate the year of filing and the last 2 digits indicate the chronological order of filing during the year.

Administration

EmR1305 — The Department of Administration hereby adopts an order to repeal Adm 2.14 (2) (vr) c.; to renumber and amend Adm 2.14 (2) (vr) a. and b.; to amend Adm 2.02 (1) (a), 2.04 (1), 2.04 (2), (3), (5), and (7), 2.07 (2), 2.08 (1) and (1) (d), 2.11, 2.14 (2), (2) (v), (2) (vm) and (2) (vm) 5.; and to create Adm 2.03 (3m), (3r), and (6m), 2.04 (1m) and (1r), relating to facility use.

The statement of scope for this rule, SS 028-13, was approved by the Governor on March 15, 2013, and published in Register No. 687 on March 31, 2013. This emergency rule was approved by the Governor on April 11, 2013.

Finding of Emergency

The Legislature has vested management authority over various state buildings and grounds, including those of the Wisconsin State Capitol, in the Department of Administration since 1979. Section 16.84 (1), Wis. Stats. Since 1979 the Department has permitted the use of these buildings and grounds for the free discussion of public questions and other purposes, so long as such uses did not interfere with the prime uses of these facilities, or otherwise infringe on interests of the

state. Section 16.845, Wis. Stats., and s. Adm 2.04, Wis. Adm Code.

Beginning February 2011, groups of persons began to occupy the Wisconsin State Capitol Building without permits. This included appropriating rooms and hallways in the Capitol building for purposes such as camping and storage of bulk supplies. To restore order to the building and return the building to a point where the work of the Wisconsin State Legislature and the Supreme Court of Wisconsin could perform their constitutionally authorized functions without undue disruption, the Department expended funds in excess of \$7,400,000 for law enforcement personnel. The continuous occupation of the State Capitol was formally terminated in March of 2011.

Groups of persons continue to occupy rooms in the Wisconsin State Capitol building without permits, including the Capitol rotunda. These groups constitute an exception to the norm.

The Wisconsin State Capitol Police (WSCP) issue more than 400 permits annually for the use of various state facilities. Permits are used for a variety of purposes, whether political, non-political, charitable or commercial. Permits are issued regardless of political party, affiliation or content.

Occupation of the Capitol rotunda and other areas has caused disruptions to the properly permitted events and normal government activities, including but not limited to, a Red Cross blood drive, a high school science exhibit, school group tours, general public tours, and legislative committee meetings and sessions. The State does not refuse permits for the lawful and safe use of State facilities by any group or groups. Neither can the State allow any group to occupy the Capitol in disregard of the rights of permit holders, public employees or visitors. It is imperative that the Department continue to gain greater compliance from user groups in order to protect the public safety and welfare.

Filed with LRB: April 15, 2013

Publication Date: April 16, 2013

Effective Dates: April 16, 2013 through September 12, 2013

Agriculture, Trade and Consumer Protection (2)

1. EmR1213 (DATCP Docket # 11-R-11) — The Wisconsin department of agriculture, trade and consumer protection hereby adopts the following emergency rule to amend **sections ATCP 55.04 (title), (2) (title), (a) and (b), and (6), 55.07 (1) (a), (2) (a) and (3) (a);** and to create **sections ATCP 55.02 (4m), 55.03 (2) (f), 55.04 (1m), 55.06 (5) (j), 55.07 (1) (c), (2) (d) and (3) (c),** relating to allowing certain selected Wisconsin state-inspected meat establishments to sell meat and meat products in other states and thereby affecting small business.

This rule was approved by the governor on September 6, 2012.

The statement of scope for this rule, SS 005-12, was approved by the governor on January 11, 2012, published in Register No. 673, on January 31, 2012, and approved by the Natural Resources Board on February 22, 2012.

Finding of Emergency

The department of agriculture, trade and consumer protection finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public welfare. Statements of the facts constituting the emergency are:

(1) Wisconsin has more than 270 small state-inspected meat establishments that contribute to the vitality of the state's rural economy, producing many unique, specialty products. Wisconsin's state-inspected meat and poultry establishments are inspected by Wisconsin's Bureau of Meat Safety and Inspection under a cooperative agreement with the United States Department of Agriculture's (USDA's) Food Safety and Inspection Service (FSIS) program. Under the cooperative agreement, state meat inspection programs must provide inspection that is "at least equal to" federal inspection under the Federal Meat Inspection Act (FMIA) (21 USC 661) and the Poultry Products Inspection Act (PPIA) (21 USC 454). State-inspected meat and poultry establishments are prohibited from selling their products in other states.

(2) USDA recently established the new Cooperative Interstate Shipment (CIS) program, which will allow state-inspected meat and poultry establishments to sell their products in other states. To qualify for participation in the CIS program, state meat and poultry inspections programs must inspect establishments that volunteer to participate in the program using procedures that are the "same as", rather than "at least equal to," USDA's federal inspections under FMIA and PPIA. This emergency rule incorporates certain federal regulations that Wisconsin's state meat inspection program must adopt in order to establish a regulatory foundation deemed the "same as" the foundation for the federal program, and thereby allowing Wisconsin to participate in the CIS program.

(3) The department of agriculture, trade and consumer protection (DATCP) is adopting this emergency rule to prevent a potential hardship to Wisconsin's state-inspected meat establishments selected to participate in the program; adoption of the emergency rule will ensure that these establishments are not prevented from selling their meat and poultry products in other states because the pending "permanent" rules cannot be adopted in time.

Filed with LRB: September 10, 2012
Publication Date: September 13, 2012
Effective Dates: September 13, 2012 through February 9, 2013
Extension Through: June 9, 2013
Hearing Date: October 15, 18, 19, 2012

2. EmR1301 (DATCP Docket # 12-R-10) — The Wisconsin department of agriculture, trade and consumer protection hereby adopts the following emergency rule to create **s. 161.50 (3) (f) and subch. VI of ch. ATCP 161**, relating to the "grow Wisconsin dairy producer" grant and loan program created under ss. 20.115 (4) (d) and 93.40 (1) (g), Stats.

This rule was approved by the governor on January 14, 2013.

The scope statement for this rule, SS 090-12, was approved by the governor on November 8, 2012, published in Register No. 683, on November 30, 2012, and approved by the Board of Agriculture, Trade and Consumer Protection on December 18, 2012.

Finding of Emergency

Enactment of a rule is necessary to establish criteria the department will use to make determinations for grants, loans or other forms of financial assistance to dairy producers to promote and develop the dairy industry. An emergency rule is needed to ensure that funds are used to assist dairy producers during the second year of the annual appropriation as permanent rules cannot be adopted in time to provide the basis for grant determinations for the second year appropriations.

Filed with LRB: January 31, 2013
Publication Date: February 1, 2013
Effective Dates: February 1, 2013 through June 30, 2013

Children and Families*Early Care and Education, Chs. DCF 201-252*

EmR1216 — The Wisconsin Department of Children and Families orders the creation of **section DCF 201.04 (2j)**, relating to circumstances for a waiver to allow child care subsidy payments for a parent who is a child care provider and affecting small businesses.

This emergency rule was approved by the governor on October 19, 2012.

The statement of scope for this rule, SS 054-12, was approved by the governor on July 30, 2012, published in Register No. 680 on August 14, 2012, and approved by Secretary Eloise Anderson on August 27, 2012.

Finding of Emergency

The Department of Children and Families finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

Section 49.155 (3m) (d), Stats., as affected by 2011 Wisconsin Act 32, provides that no child care subsidy funds may be used for child care services that are provided for a child by a child care provider who is the parent of the child or who resides with the child. In addition, no child care subsidy funds may be used for child care services that are provided by another child care provider if the child's parent is a child care provider. The prohibition on assistance does not apply if the child's parent has applied for, and been granted, a waiver. Implementation of an emergency rule specifying the circumstances under which the department or an agency will grant a waiver is necessary to protect certain vulnerable children.

Filed with LRB: November 13, 2012
Publication Date: November 15, 2012
Effective Dates: November 15, 2012 through April 13, 2013
Extension Through: June 12, 2013
Hearing Date: January 14, 2013

Natural Resources (2)*Fish, Game, etc., Chs. NR 1—*

1. EmR1210 (DNR # WM-09-12(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections**

NR 10.001 (25c), 10.02 (1), 10.06 (5) and (8) (intro.), 10.07 (2) (b) 2., 10.07 (2m) (intro.) and (e) (intro.), 10.07 (2m) (f) (intro.), 10.09 (1), 10.13 (1) (b) 9., 10.13 (1) (b) 15., 10.13 (1) (b) 16., 10.145 (intro), 10.145 (3) to (8), 12.10 (intro.), 12.10 (1) (a) 4., 12.10 (1) (b) 2., 12.15 (13) and 19.25 and to create sections NR 10.001 (22q), 10.001 (23a), 10.001 (23am), 10.001 (23b), 10.001 (26g), 10.001 (33), 10.01 (3) (j), 10.07 (1) (m), 10.07 (2m) (em), 10.07 (2m) (g) 3., NR 10.07 (4), 10.13 (1) (b) 15m., 10.13 (1) (b) 18., 10.145 (1m), (1u) and Note, sections NR 10.16 (5), 10.295, 12.15 (11) (e), 12.60 to 12.63, 12.64 (1) (a) and (b) (intro.) 1., 12.64 (1) (b) 2. and 3., 12.64 (1) (b) 4. and 5., 12.64 (2) (a) to (c), 12.64 (2) (d), 12.64 (3) and 12.65, relating to the wolf hunting and trapping season and regulations and a depredation program.

This emergency rule was approved by the governor on August 10, 2010.

The statement of scope for this rule, SS 023-12, was approved by the governor on April 12, 2012, published in Register No. 676, on April 30, 2012, and approved by the Natural Resources Board on May 23, 2012.

Finding of Emergency

A non-statutory provision, SECTION 21, of 2011 ACT 169 requires the department to submit rules necessary for implementation or interpretation and establishes that the department is not required to make a finding of emergency.

Filed with LRB: August 15, 2012

Publication Date: August 18, 2012

Effective Dates: August 18, 2012 through the date on which the permanent rules take effect, as provided in 2011 Wisconsin Act 169, section 21.

2. EmR1304 (DNR # FH-23-12(E)) — The Wisconsin Natural Resources Board proposes an order to amend **sections NR 20.20 (73) (n) 4., 25.06 (1) (a), and 25.09 (1) (am) 3. e.**, relating to lake trout harvest limits in Lake Superior.

The statement of scope for this rule, SS 097-12, was approved by the Governor on December 14, 2012, published in Register No. 684 on December 31, 2012, and approved by the Natural Resources Board on January 23, 2013.

Finding of Emergency

Pursuant to s. 227.24, Stats., the department finds that an emergency exists and that this rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. The welfare of state-licensed commercial fishers, tribal commercial fishers, recreational anglers, and associated businesses is threatened by a decline in the lake trout population in the Apostle Islands vicinity of Lake Superior. The continued, persistent decline in lake trout population abundances and predicted further declines necessitate the current reductions in order to ensure a sustainable lake trout fishery over the long-term. Lake trout harvest limits were negotiated in October 2012 among the Department of Natural Resources and the Red Cliff and Bad River Bands of Lake Superior Chippewa and those changes must be ordered through administrative code. This emergency rule is needed to preserve the public welfare.

Filed with LRB: March 9, 2013

Publication Date: March 27, 2013

Effective Dates: March 27, 2013 through August 23, 2013

Hearing Date: April 11, 2013

Public Instruction

EmR1303 — The state superintendent of public instruction hereby creates **ch. PI 47**, relating to the equivalency process for approving alternative models to evaluate educator practice.

The scope statement for this rule, SS 013-13, was published in Register No. 686, on February 14, 2013, and approved by Superintendent Evers, on February 25, 2013. Per the Dane County Circuit Court order issued in *Coyne, et al. v. Walker, et al.*, Case No. 11-CV-4573, the Department of Public Instruction is not required to get the Governor's approval for the statement of scope or this rule.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of the facts constituting the emergency is:

Section 115.415 (3), Stats., requires the department to establish an equivalency process for reviewing alternative educator effectiveness systems. The statute also specifies criteria on which the process shall be based, including alignment to the 2011 Interstate Teacher Assessment and Support Consortium and the 2008 Interstate School Leaders Licensure Consortium Educational Leadership Policy Standards. Additionally, the statute explains certain approval requirements.

The Educator Effectiveness System will be fully implemented and mandatory throughout the entire state by the 2014-15 school year. The pilot, which allows schools and districts to implement the system and inform modifications, will go into effect during the 2013-14 school year.

In order to have possible alternative models available for pilot use in 2013-14, there is an urgent need to get the equivalency process in place to approve other evaluation models. Districts intending on applying for an equivalency review of an alternative model must alert the department in writing by March 15, 2013, and January 15 each subsequent year. They must submit their application by April 15 of this year and March 15 each subsequent year in order to be approved.

Filed with LRB: March 4, 2013

Publication Date: March 8, 2013

Effective Dates: March 8, 2013 through August 4, 2013.

Safety and Professional Services

Professional Services, Chs. SPS 1-299

EmR1302 — The Wisconsin Department of Safety and Professional Services hereby adopts an order to amend **sections SPS 60.01; SPS 61.02 (1) (a), (2) (a), (3) (a), and (4) (a); 62.10 (title) and 62.10; 65.01; 65.02 (1); 65.07; and 65.12 (1) (h) and (i) 6.**; and to create **chapter SPS 205** relating to barbers and to barbering and cosmetology schools and instructors, and affecting small business.

This emergency rule was approved by the Governor on February 5, 2013.

The statement of scope for this rule, SS 063-12, was approved by the Governor on August 10, 2012, published in Register 680, on August 31, 2012, and approved by Secretary Dave Ross on October 15, 2012.

Finding of Emergency

The Department of Safety and Professional Services finds that an emergency exists within the state of Wisconsin and that adoption of an emergency rule is necessary for the immediate preservation of the public health, safety and welfare. A statement of the facts constituting the emergency is as follows.

On July 1, 2012, 2011 Wisconsin Act 190 transferred regulatory authority over barbers from the Barbering and Cosmetology Examining Board to the Department of Safety and Professional Services. Act 190 also changed the educational requirements for initial licensure of barbers, and

the continuing-education requirements for renewal of barber licenses. Due to the transfer of authority and the changes in education requirements, immediate rulemaking by the Department is needed to implement corresponding rule changes prior to April 1, 2013, which is the renewal date mandated by section 440.08 (2) (a) of the Statutes for all barbering licenses.

Filed with LRB: February 14, 2013
Publication Date: February 14, 2013
Effective Dates: February 14, 2013 through July 13, 2013

Scope Statements

Government Accountability Board

SS 060-13

This statement of scope was approved by the governor on December 4, 2012.

Rule No.

Amends ss. GAB 3.01 (6) and 12.01 (2).

Relating to

Voter Registration, s. GAB 3.01, and Certification and Training of Municipal Clerks, s. GAB 12.01.

Rule Type

Permanent.

1. Finding/Nature of Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

Amend s. GAB 3.01 (6) to change the election cycle for special registration deputies so that the cycle begins on January 1 of an even-numbered year and continues through December 31 of the following odd-numbered year. Amend s. GAB 12.01 (2) to change the election cycle for municipal clerk training so that the cycle begins on January 1 of an even-numbered year and continues through December 31 of the following odd-numbered year.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

The amendments to ss. GAB 3.01 (6) and 12.01 (2) will have the effect of modifying the election cycles governing training of municipal clerks and special registration deputies. Under the current administrative rules, those respective elections cycles begin on January 1 of an odd-numbered year and continue through December 31 of the following even-numbered year. This two-year term runs counter to the election and training cycle for election inspectors, which runs from January 1 of an even-numbered year through December 31 of the following odd-numbered year, pursuant to s. 7.30 (4), Stats. Reconciling the election cycles and making them uniform for all election officials would eliminate significant confusion and administrative difficulties for local election officials.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Sections 5.05 (1) (f), 7.315 (1), and 227.11 (2) (a), Stats.

5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

10-15 hours.

6. List with Description of all Entities that may be Affected by the Proposed Rule

All individuals serving as special registration deputies pursuant to certification by local election officials or the Government Accountability Board, and all municipal clerks seeking certification to conduct elections by the Board.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

The training and certification of local election officials is not regulated by federal statutes or regulations.

Contact Person

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(608) 266-8005

Public Instruction

SS 058-13

Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for this statement of scope.

Rule No.

Repeals Chapter PI 29.

Relating to

Grants for Preschool Through Grade 5 Programs.

Rule Type

Permanent.

1. Finding/Nature of Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

This rule change will eliminate ch. PI 29, the rule chapter for the Grants for Preschool Through Grade 5 Programs.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

2011 Wisconsin Act 32 eliminated the Grants for Preschool to Grade 5 Programs under s. 115.45, Stats. Since there is no longer any statutory authority for the program, the rules are no longer necessary. Thus, this rule change will eliminate ch. PI 29.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

There is no statutory authority for this rule anymore because 2011 Wisconsin Act 32 eliminated s. 115.45, Stats.

5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The amount of time needed for rule development by department staff and the amount of other resources necessary are indeterminable. The time needed to delete the rule language itself will be minimal. However, the time necessary to guide the rule through the rulemaking process will be more significant.

6. List with Description of all Entities that may be Affected by the Proposed Rule

This rule change should not affect any entity since the statutory authority for this program has already been rescinded.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

N/A.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to have a Significant Economic Impact on Small Businesses)

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Contact Person

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**Safety and Professional Services —
Controlled Substances Board**

SS 061-13

This statement of scope was approved by the governor on May 17, 2013.

Rule No.

Revises Chapter CSB 2.

Relating to

Additions to schedules in Chapter 961, Wis. Stats.

Rule Type

Permanent.

1. Finding/Nature of Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

The objective is to bring the Wisconsin Controlled Substances Act in Chapter 961, Wis. Stats., into conformity with the federal Controlled Substances Act.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

Currently Wisconsin has not scheduled include the following substances:

- **Schedule I:** 2C-C; 2C-D; 2C-E; 2C-H; 2C-I; 2C-N; 2C-P; 2C-T-2; 2C-T-4; AM2201; AM694; JWH-019; JWH-122; JWH-203; JWH-398; SR-18 and RCS-8; SR-19 and RCS-4; and Methylone, 3,4-methylenedioxy-N-methylcathinone, bk-MDMA.
- **Schedule II:** 4-Anilino-N-phenethyl-4-piperidine (also known as ANPP); Oripavine; and Tapentadol.
- **Schedule III:** 19-Nor-4,9(10)-androstadienedione; Boldione; and Desoxymethyltestosterone.
- **Schedule IV:** Carisoprodol and Zopiclone.
- **Schedule V:** Ezogabine or any of its salts, isomers, or salts of isomers; and Pregabalin or any of its salts, isomers, or salts of isomers.

The addition of these substances in the Wisconsin Controlled Substances Act will create conformity with the federal Controlled Substances Act.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Section 961.11 (1), Wis Stats. The controlled substances board shall administer this subchapter and may add substances to or delete or reschedule all substances listed in the schedules in ss. 961.14, 961.16, 961.18, 961.20, and 961.22 pursuant to the rule-making procedures in ch. 227.

5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

75 hours.

6. List with Description of all Entities that may be Affected by the Proposed Rule

Police, state courts, pharmacies, and the Controlled Substances Board.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

The Drug Enforcement Administration (DEA) has scheduled these substances under the federal Controlled Substances Act.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to have a Significant Economic Impact on Small Businesses)

None to minimal.

Contact Person

Sharon Henes, (608) 261-2377.

**Safety and Professional Services —
Controlled Substances Board**

SS 062-13

This statement of scope was approved by the governor on May 29, 2013.

Rule No.

Revises Chapter CSB 2.

Relating to

Additions to schedules in Chapter 961, Wis. Stats.

Rule Type

Both Permanent and Emergency.

1. Finding/Nature of Emergency (Emergency Rule Only)

The Brown County District Attorney's office has provided the Controlled Substances Board with information relevant to emergency scheduling and the commencement of a prosecution concerning a controlled substance analog. UR-144, XLR11, and AKB48 are pharmacologically similar to Schedule I substances THC and JWH-018. By sharing pharmacological similarities with the Schedule I substances, synthetic cannabinoids pose a risk both to the individual user and other affected individuals. UR-144, XLR11, and AKB48 are being marketed as "legal" alternatives to marijuana. This characterization (and the reputation as potent herbal intoxicants) has increased their popularity and prevalence.

The Controlled Substances Board finds that scheduling of UR-144, XLR11, and AKB48 on an emergency basis is necessary to avoid an imminent hazard to the public safety. The substances are not included in any other schedule and no exemption or approval is in effect for the substance under 21 USC 355.

The U.S. Department of Justice Drug Enforcement Administration published on April 12, 2013, a Notice of Intent to Schedules of Controlled Substances: Temporary Placement of Three Synthetic Cannabinoids into Schedule I.

2. Detailed Description of the Objective of the Proposed Rule

The objective is to schedule UR-144, XLR11, and AKB48 as Schedule I controlled substances.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

Currently Wisconsin has not scheduled UR-144, XLR11, and AKB48 as Schedule I controlled substances. UR-144, XLR 11, and AKB48 are synthetic cannabinoids on the designer drug market. They have been found laced on plant material and marketed under the guise of herbal incense products. In response to State and Federal control of JWH-018, a transition to new synthetic cannabinoids has been observed. UR-144, XLR11, and AKB48 are structurally related to other synthetic cannabinoids with a core indole structure with JWH-018. Behavioral pharmacology studies show UR-144, XLR 11, and AKB48 are similar to THC and various synthetic cannabinoids which are Schedule I substances. Poison control centers continue to report adverse health effects in response to the abuse of herbal incense products and this abuse is both a public health and safety concern.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Section 961.11 (1). The controlled substances board shall administer this subchapter and may add substances to or delete or reschedule all substances listed in the schedules in ss. 961.14, 961.16, 961.18, 961.20, and 961.22, Wis. Stats., pursuant to the rule-making procedures of ch. 227, Stats.

Section 961.11 (4m). The controlled substances board, by rule and without regard to the requirements of sub. (1m), may schedule a controlled substance analog as a substance in schedule I regardless of whether the substance is substantially similar to a controlled substance in schedule I or II, if the board finds that scheduling of the substance on an emergency basis is necessary to avoid an imminent hazard to the public safety and the substance is not included in any other schedule

or no exemption or approval is in effect for the substance under 21 USC 355. Upon receipt of notice under s. 961.25, Stats., the board shall initiate scheduling of the controlled substance analog on an emergency basis under this subsection. The scheduling of a controlled substance analog under this subsection expires one year after the adoption of the scheduling rule. With respect to the finding of an imminent hazard to the public safety, the board shall consider whether the substance has been scheduled on a temporary basis under federal law or factors under sub. (1m) (d), (e), and (f), and may also consider clandestine importation, manufacture or distribution, and, if available, information concerning the other factors under sub. (1m). The board may not promulgate a rule under this subsection until it initiates a rule-making proceeding under subs. (1), (1m), (1r), and (2) with respect to the controlled substance analog. A rule promulgated under this subsection lapses upon the conclusion of the rule-making proceeding initiated under subs. (1), (1m), (1r), and (2) with respect to the substance.

5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

100 hours.

6. List with Description of all Entities that may be Affected by the Proposed Rule

Law enforcement, district attorney offices, Department of Justice, state courts, and the Controlled Substances Board.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

UR-144, XLR11, and AKB48 are not currently scheduled under the Controlled Substances Act. However, they may be treated as a "controlled substance analog" under the Controlled Substances Act.

The U.S. Department of Justice Drug Enforcement Administration published on April 12, 2013, a Notice of Intent to Schedules of Controlled Substances: Temporary Placement of Three Synthetic Cannabinoids into Schedule I.

8. Anticipated Economic Impact of Implementing the Rule

Minimal to none.

Contact Person

Sharon Henes, (608) 261-2377.

Safety and Professional Services — Dentistry Examining Board

SS 056-13

This statement of scope was approved by the governor on May 17, 2013.

Rule No.

Revises Chapter DE 9.

Relating to

Lab work authorizations.

Rule Type

Permanent.

1. Finding/Nature of Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

The objective of the proposed rule is to eliminate the requirement that the written work authorization shall be on a form approved by the board. The proposed rule will also allow for current technologies.

The Dentistry Examining Board identified this proposed rule as part of its Executive Order #61 review to identify ways to reduce the burden on small businesses.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

Currently, the rule states the written work authorization shall be on a form approved by the board. This provision is obsolete in that the board does not approve such forms. The current rule also reflects the technology available in 1972 when the rule was last updated by requiring written lab work authorizations with carbon copies.

The new policy proposed is to eliminate the requirement that the board approve the form. It will also update the rule to reflect current dental practice requirements and technologies for lab work authorizations.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Section 15.08 (5) (b). Each examining board: shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

50 hours.

6. List with Description of all Entities that may be Affected by the Proposed Rule

Dentists and dental laboratories.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

None.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to have a Significant Economic Impact on Small Businesses)

Minimum or none.

Contact Person

Sharon Henes, (608) 261-5573.

**Safety and Professional Services —
Real Estate Examining Board**

SS 057-13

This statement of scope was approved by the governor on May 17, 2013.

Rule No.

Revises Chapters REEB 12 and 25.

Relating to

Applications and Education.

Rule Type

Permanent.

1. Finding/Nature of Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

With the exception of renumbering these chapters to reflect the Department of Safety and Professional Services and the Real Estate Examining Board (the Board), these chapters have had only minor revisions dating back to 1998 and 1999, respectively.

The Board seeks to update, clarify, correct or repeal provisions relating to original, renewal and examination applications; documentation of applications; internal processing of applications and examinations including, but not limited to, parts of original and renewal examinations; and the handling of expired licenses. In addition the Board seeks to update, clarify, correct, or repeal provisions relating to definitions; educational program content, continuing education and requirements for real estate brokers and real estate salespersons; means by which education is presented; and requirements for out-of-state applicants and licensees. Other changes reflect sections repealed by various recently enacted Wis. Acts.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

The proposed changes will serve to clarify, correct, or repeal certain current provisions to recognize contemporary technologies. The alternative is having provisions not reflecting current practices and technologies.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Section 15.08 (5) (b), requires all examining boards to "...promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession."

Section 227.11 (2) (a), Stats., authorizes all agencies to promulgate rules interpreting the statutes it enforces or administers, when deemed necessary to effectuate the purpose of such statutes.

Section 452.07 (1), Stats., obligates the Real Estate Examining Board to "...promulgate rules for the guidance of

the real estate profession and define professional conduct and unethical practice.”

5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The staff time needed to develop the rules is expected to be about 450 hours, depending on the complexity. This includes coordinating the rule-making process with the Board’s meeting schedule, conducting research, drafting and processing the proposed rules through public hearings, legislative review, and adoption. There are no other resources necessary to develop the rules.

6. List with Description of all Entities that may be Affected by the Proposed Rule

These rules may have a minimal affect on any professional organization, approved course provider or instructor, or approved school of learning providing pre-application or continuing education for applicants or licensees.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

An Internet-based search of the U.S. Code and the code of federal regulations (CFR) for applications and education relating to the licensing of real estate brokers and real estate salespersons did not reveal any existing or proposed regulations at the federal level.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to have a Significant Economic Impact on Small Businesses)

Any anticipated cost of complying with the proposed rule is deemed minimal to none.

Contact Person

Jean MacCubbin, 608-266-0955.

Workforce Development

Worker’s Compensation; Mining Damage Claims, Chs. DWD 80-82

SS 059-13

This statement of scope was approved by the governor on May 29, 2013.

Rule No.

Creates section DWD 80.13.

Relating to

Audio recording of hearings.

Rule Type

Permanent.

1. Finding/Nature of Emergency (Emergency Rule Only)

N/A.

2. Detailed Description of the Objective of the Proposed Rule

The proposed rule would create s. DWD 80.13 that would authorize the parties to worker’s compensation cases to make audio recordings of formal hearings in a non-obstructive and

non-disruptive manner. With this proposed rule a party may audio record a formal hearing for his or her personal purposes. The audio recording will not be the official record of the hearing. The proposed rule has been approved by the Worker’s Compensation Advisory Council.

3. Description of the Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

The proposed rule was approved by the Worker’s Compensation Advisory Council. There is currently no statute or rule that addresses the audio recording of a worker’s compensation hearing by the parties to the case. The proposed rule authorizes the parties to the case to audio record a hearing in a manner that will maintain decorum.

4. Detailed Explanation of Statutory Authority for the Rule (Including the Statutory Citation and Language)

Section 102.15 (2), Stats., provides that subject to ch.102, Stats., the department may adopt its own rules of procedure and may change the same from time to time. Section 103.005 (1), Stats., provides the department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings. The proposed rule is a procedural rule that will regulate the mode and manner of hearings.

5. Estimate of Amount of Time that State Employees Will Spend Developing the Rule and of Other Resources Necessary to Develop the Rule

The estimated time is 80 hours.

6. List with Description of all Entities that may be Affected by the Proposed Rule

The parties to worker’s compensation cases are the entities that will be affected by the proposed rule. The parties include injured employees with worker’s compensation claims, employers, worker’s compensation insurance carriers, and self-insured employers.

7. Summary and Preliminary Comparison with any Existing or Proposed Federal Regulation that is Intended to Address the Activities to be Regulated by the Proposed Rule

There are currently no existing or proposed federal regulations related to the proposed rule.

8. Anticipated Economic Impact of Implementing the Rule (Note if the Rule is Likely to have a Significant Economic Impact on Small Businesses)

The proposed rule will have no economic impact locally or statewide.

Contact Person

For program questions:

Jim O’Malley, Director, Legal Services Bureau
Worker’s Compensation Division, DWD
P.O. Box 7901, Madison WI 53707
(608) 267-6704, Jim.OMalley@dwd.wisconsin.gov

For rulemaking questions:

Howard Bernstein, DWD Legal Counsel
P.O. Box 7946, Madison WI 53707
(608) 266-9427, Howard.Bernstein@dwd.wisconsin.gov

Submittal of Proposed Rules to Legislative Council Clearinghouse

*Please check the Bulletin of Proceedings — Administrative Rules
for further information on a particular rule.*

Administration CR 13-041

On May 30, 2013, the Wisconsin Department of Administration submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse, pursuant to s. 227.14 (4m), Stats.

The scope statement for this rule, SS 028-13, was approved by the Governor on March 15, 2013, published in Register No. 687, on April 1, 2013, and approved by Secretary Mike Huebsch on April 11, 2013.

Analysis

The proposed rule concerns Wis. Admin. Code Chapter Adm 2, relating to the use of state buildings and facilities.

Agency Procedure for Promulgation

A public hearing on the proposed rule is required. The Office of the Secretary of the Department of Administration is primarily responsible for promulgation of the rules.

Contact Person

Wendy Coomer
Department of Administration
101 E. Wilson Street, 10th Floor
Madison, WI 53702
(608) 266-1741

Public Service Commission CR 13-039

(PSC Docket # 1-AC-238)

On May 20, 2013, the Public Service Commission of Wisconsin submitted a proposed rule to the Joint Legislative Council Staff (Rules Clearinghouse), pursuant to s. 227.14 (4m), Stats.

The statement of scope for this rule, SS 017-12, was approved by the governor on March 12, 2012, published in *Wisconsin Administrative Register* No. 675, on March 31, 2012, and approved by the Public Service Commission on May 4, 2012.

Analysis

The proposed rule revises ch. PSC 114, the Wisconsin State Electrical Code, Volume 1, relating to electric safety and adopting the latest National Electrical Safety Code into Volume I of the Wisconsin State Electrical Code.

Agency Procedure for Promulgation

A public hearing will be held on Friday, June 28, 2013, at 2:00 p.m., at the Public Service Commission building at 610 North Whitney Way, Madison, Wisconsin.

The Gas and Energy Division of the Commission is the organizational unit responsible for the promulgation of the rule.

Contact Person

Mohammed Monawer, Docket Coordinator,
(608) 266-3900 or mohammed.monawer@wisconsin.gov.

Public Service Commission CR 13-040

(PSC Docket # 1-AC-240)

On May 20, 2013, the Public Service Commission of Wisconsin submitted a proposed rule to the Joint Legislative Council Staff (Rules Clearinghouse), pursuant to s. 227.14 (4m), Stats.

The scope statement for this rule, SS 060-12, was approved by the Governor on July 25, 2012, published in the *Wisconsin Administrative Register*, Register No. 680, on August 14, 2012, and approved by the Public Service Commission on August 28, 2012.

Analysis

The proposed rule revises Wis. Admin. Code ch. PSC 118, relating to renewable resource credits to conform to the statutory changes made by 2011 Wisconsin Act 155. The degree of impact is expected to be wholly positive, offering greater opportunities to create renewable resource credits.

Agency Procedure for Promulgation

A public hearing will be held on Friday, June 28, 2013, at 10:00 a.m. at the Public Service Commission building at 610 North Whitney Way, Madison, Wisconsin.

The Gas and Energy Division of the Commission is the organizational unit responsible for the promulgation of the rule.

Contact Person

Preston Schutt, Docket Coordinator, (608) 266-1462 or
preston.schutt@Wisconsin.gov.

Safety and Professional Services *Safety, Buildings, and Environment — General Part 1, Chs. SPS 301-319* CR 13-042

On May 31, 2013, the Department of Safety and Professional Services submitted a proposed rule-making order to the Wisconsin Legislative Council Rules Clearinghouse.

This rule is not subject to s. 227.185, Stats. The scope statement for this rule, was published in Register No. 662, on February 28, 2011, under the authority of the former

Department of Commerce relating to chapter Comm 16, and was sent to LRB prior to the effective date of 2011 Wis. Act 21.

Analysis

This proposed rule-making order revises Chapters SPS 315 and 316, related to electrical construction.

Agency Procedure for Promulgation

A public hearing is required and will be held on June 27,

2013, at 1400 East Washington Avenue, Room 121B, Madison, WI.

The Industry Services Division is the agency unit responsible for this rule.

Contact Person

James Quast, Program Manager, (608) 266-9292, jim.quast@wisconsin.gov.

Rule-Making Notices

Notice of Hearing

Public Service Commission

CR 13-039

(PSC Docket # 1-AC-238)

NOTICE IS GIVEN that pursuant to s. 227.16 (2) (b), Stats., the Public Service Commission of Wisconsin will hold a public hearing at the time and place below to consider an order to repeal and recreate ch. PSC 114 regarding the adoption of the 2012 Edition of the National Electrical Safety Code into Volume 1 of the State Electrical Code.

Hearing Information

Date: Friday, June 28, 2013
Time: 2:00 p.m.
Location: Amnicon Falls Hearing Room
 Public Service Commission Building
 610 North Whitney Way
 Madison, Wisconsin

This building is accessible to people in wheelchairs through the Whitney Way (lobby) entrance. Handicapped parking is available on the south side of the building.

Written Comments

Any person may submit written comments on these proposed rules. The record will be open for written comments from the public, effective immediately, and until Monday, July 15, 2013 at **noon**. All written comments must include a reference on the filing to docket 1-AC-238. File by one mode only.

Industry

File comments using the Electronic Regulatory Filing system. This may be accessed from the commission's website (psc.wi.gov).

Members of the public

Please submit your comments in one of the following ways:

Electronic Comment. Go to the commission's web site at <http://psc.wi.gov>, and click on the "ERF - Electronic Regulatory Filing" graphic on the side menu bar. On the next page, click on "Need Help?" in the side menu bar for instructions on how to upload a document.

Web Comment. Go to the commission's web site at <http://psc.wi.gov>, click on the "Public Comments" button on the side menu bar. On the next page select the "File a comment" link that appears for docket number 1-AC-238.

Mail Comment. All comments submitted by U.S. mail must include the phrase "Docket 1-AC-238 Comments" in the heading, and shall be addressed to:

Sandra J. Paske, Secretary to the Commission
 Public Service Commission
 P.O. Box 7854
 Madison, WI 53707-7854

The commission does not accept comments submitted via e-mail or facsimile (fax). Any material submitted to the commission is a public record and may appear on the

commission's web site. The commission may reject a comment that does not comply with the requirements described in this notice.

Analysis Prepared by the Public Service Commission of Wisconsin

Statutory authority and explanation of authority

This rule is authorized under ss. PSC 196.02 (1) and (3), 196.06 (3), 196.74 and 227.11.

Section 227.11 authorizes agencies to promulgate administrative rules. Section 196.02 (1) authorizes the commission to do all things necessary and convenient to its jurisdiction. Section 196.02 (3) grants the commission specific authority to promulgate rules.

Section 196.74 provides specific authority to promulgate these rules, stating in relevant part: "Each public utility and railroad which owns, operates, manages or controls along or across any public or private way any wires over which electricity or messages are transmitted shall construct, operate and maintain the wires and any related equipment in a manner which is reasonably adequate and safe and which does not unreasonably interfere with the service furnished by any other public utility or railroad. The commission may issue orders or rules, after hearing, requiring electric construction and operating of such wires and equipment to be safe. The commission may revise the orders or rules as may be required to promote public safety...."

Statute interpreted

This rule interprets s. 196.74, Stats.

Related statutes or rules

Section 196.74, Stats., which requires utilities to construct, operate, and maintain facilities in a reasonably adequate and safe manner.

Chapter SPS 316, which is volume 2 of the Wisconsin State Electrical Code.

Brief summary of rule

Volume 1 of the Wisconsin State Electrical Code (WSEC), codified in ch. PSC 114, is administered by the Commission. It deals with safety requirements for the installation, operation, and maintenance of primarily outdoor electric supply and communications lines and facilities used by utilities, including electric and telecommunications suppliers, railroads, and cable television providers.

Chapter PSC 114 has been, and is, based on the National Electrical Safety Code (NESC). The NESC is revised and updated every five years necessitating subsequent periodic revision of WSEC, Volume 1, to adopt the latest national standard. The 2012 edition of the NESC was issued in August 2011. A corresponding revision of ch. PSC 114 is necessary to implement the latest edition of the national code and make any other necessary changes to update and improve the code. A technical advisory committee was appointed and met to recommend and discuss rule changes.

The changes to ch. PSC 114 are summarized as follows:

PSC 114.003 (2): The heading is renamed to meet current drafting convention, and references to the repealed s. 101.865

Stats., in the subsection and note are deleted. The existing Paragraph (b) is deleted and recreated as subsection (5) in this section to meet current drafting convention.

A new paragraph (b) is created to require utilities to obtain proof of compliance with the Wisconsin Electrical Code before extending service to premises. This provision reflects the longstanding statutory requirement in s. 101.865, Stats. which was repealed by 2007 Act 63. The requirements of that provision are retained in the rule of the Department of Safety and Professional Services, s. SPS 316.950, which covers the connection of electric service. The Department of Safety and Professional Services, however, does not have authority over utilities. The proposed rule places the same requirements as found in s. SPS 316.950 on utilities under the Commission's jurisdiction. Requiring utilities to obtain proof of compliance protects utility workers and property, as well as the public from the hazards of energizing of service to premises that do not comply with the Wisconsin State Electrical Code.

PSC 114.005 (8): Subsection (8) was created to offer guidance to utilities in dealing with situations not specifically addressed by ch. PSC 114. The language in this provision is similar to that in NESC under 012C.

PSC 114.215C4b and PSC 114.215C5b: For both of these subsections, a new exception is added for supply cables meeting Rule 230C3. Changes in the 2007 and 2012 NESC make it difficult to interpret where to install guy insulators, and this exception clarifies the requirements. This exception does not eliminate the public safeguards including the requirement that the bottom of insulators be placed 8 feet or more above ground level.

PSC 114.219 (2) (a): An additional recommended change involves s. PSC 114.219 (2) (a) referencing American National Standards Institute (ANSI) standard Z535 pertaining to the format and color for signage required for high voltage supply line poles and structures. The existing rule references ANSI Z535.4 2006 which covers product safety signs. The proposed change is to, instead, reference ANSI Z535.2 which covers environmental and facility safety signs and, as such, is a more appropriate reference for high voltage supply line poles and structures than the existing reference to product safety signs. Further, the reference should reflect the most recent version of ANSI Z535 which is 2011.

Table PSC 114.232-1, footnotes: The editorial revisions to the footnotes reflect NESC-2012 updates to footnotes for NESC Table 232-1.

Footnote 26 is added to define bodies of water not suitable for sail boating, which is not provided in NESC Table 232-1. NESC rules prescribe greater clearances for bodies of water suitable for sail boating than for those which are unsuitable. This definition in Footnote 26 clarifies when the greater clearance requirements apply.

PSC 114.234C1c: The substitution of the term "dwelling unit" for "occupancies" relies on the definition of "dwelling unit" in ch. SPS 316, which adopts the NESC 2008 definition of dwelling unit by reference, instead of the undefined "occupancies." Other changes are made to meet current drafting convention, and the references to ch. SPS 316 are corrected.

PSC 114.234C1a: Addition of the language "flagpoles, flags and banners" matches revised language in 2012 NESC.

PSC Table 114.253-2: This table was deleted in its entirety consistent with the removal of the table in 253-2 in the 2012 NESC.

PSC 114.261-1A: Table PSC 114.261-1A is renumbered to be Table PSC 114.261-1, and Footnotes 2 and 3 are deleted in their entirety so as to rely instead on the corresponding NESC Footnotes 2 and 3 for this table.

PSC 114.410: The existing Note 3 is deleted and replaced with Note 4, which sets an expectation for cooperation and sharing of information in order to fulfill the requirements of the NESC rule concerning arc hazard risk assessment in a facility.

Comparison with existing or proposed federal legislation

The National Electric Safety Code, which is incorporated by reference in ch. PSC 114, covers provisions for safeguarding of persons from hazards arising from installation, operation, or maintenance of conductors and equipment in electric supply stations, and overhead and underground electric supply and communication lines. The federal standard is applicable to systems and equipment owned by utilities.

Comparison with similar rules in surrounding states

This rulemaking adopts the latest edition of the National Electric Safety Code (NESC). Minnesota automatically adopts each new NESC edition by reference. Michigan does not specifically adopt the NESC but effectively does so by referencing it as "standards of good practice." Iowa adopts all but Part 4, and Illinois adopts sections of Part 1 and Parts 2 and 3.

Effect on small business

The s. 227.114 (1), Stats., definition of "small business" states that to be considered a small business, the business must not be dominant in its field. Since they are monopolies in their service territories, electric utilities are dominant in their fields and, so, are not small businesses.

Initial Regulatory Flexibility Analysis

This rule will not affect small businesses. The s. 227.114 (12), Stats., definition of "small business" states that to be considered a small business, the business must not be dominant in its field. Since electric utilities are monopolies in their service territories, they are dominant in their fields and, so, are not small businesses.

Fiscal Estimate

An Economic Impact Analysis is attached.

Contact Person

Questions regarding this matter should be directed to Mohammed Monawer, Docket Coordinator, at (608) 266-3900 or mohammed.monawer@wisconsin.gov. Small business questions may be directed to Anne Vandervort at (608) 266-5814 or anne.vandervort@wisconsin.gov. Media questions should be directed to Matt Pagel, Communications & Policy Liaison, at (608) 267-2160. Hearing- or speech-impaired individuals may also use the commission's TTY number: if calling from Wisconsin, (800) 251-8345; if calling from outside Wisconsin, (608) 267-1479.

The commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs

accommodations to participate in this proceeding, or who needs to get this document in a different format, should contact the Docket Coordinator as indicated in the previous paragraph as soon as possible.

Text of the Rule

SECTION 1. Chapter PSC 114 is repealed and recreated to read:

Chapter PSC 114

WISCONSIN STATE ELECTRICAL CODE, VOLUME 1

Subchapter I — Administration and Enforcement

- PSC 114.001 General information.
PSC 114.002 Purpose and scope.
PSC 114.003 Authority and statutory references.

Subchapter II — General Requirements

- PSC 114.004 General requirements.
PSC 114.005 Application of rules.
PSC 114.006 Adoption of standard by reference.

Subchapter III — Omissions, Changes or Additions to NESC–2012

- PSC 114.007 Omissions, changes or additions to NESC–2012.
PSC 114.010 Omissions.
PSC 114.02 Definitions.
PSC 114.092B2b(3) Cable with insulating jacket
PSC 114.092D Current in grounding conductor
PSC 114.094 Grounding electrodes.
PSC 114.096C Multi-grounded systems.
PSC 114.097 Separation of grounding conductors.
PSC 114.099 Additional requirements for grounding and bonding of communication apparatus and transmission lines.

Part 2 — Safety Rules for the Installation and Maintenance of Overhead Electric Supply and Communication Lines

- PSC 114.202 Application of rules.
PSC 114.210 Referenced sections.
PSC 114.215C Non-current-carrying parts
PSC 114.219 Marking of poles and structures carrying high voltage supply lines.
PSC 114.230A Clearances.
PSC 114.230I Maintenance of clearances and spacings.
PSC 114.234C1a Vertical and horizontal clearances.
PSC 114.234C1c Transmission lines over dwelling units.
PSC 114.234C3d Supply conductors attached to buildings or other installations.
PSC 114–234C6 Clearance of lines near stored materials.
PSC 114–234C7 Clearance of lines near fuel storage tanks.
PSC 114–234C8 Clearance of lines near wells.
PSC 114–234C9 Clearance of lines near antennas.
PSC 114–234E1 Swimming pools.

PSC 114–234F1 Grain bins loaded by permanently installed augers, conveyers, or elevator system.

PSC 114.235C2b (1) (a) Sag-related clearances.

PSC 114.242G Grades of construction for conductors.

PSC 114.250C Extreme wind loading.

PSC 114.250E Longitudinal capability.

Table PSC 114.253–1 Load factors for structures, crossarms, support hardware, guys, foundations, and anchors to be used with the strength factors of Table 261–1.

Table PSC 114.261–1 Strength factors for structures, crossarms, braces, support hardware, guys, foundations, and anchors.

Part 3 — Safety Rules for the Installation and Maintenance of Underground Electric Supply and Communication Lines

- PSC 114.302 Application of rules.
PSC 114.310 Referenced sections.
PSC 114.317 Outdoor location of oil-insulated padmounted transformers near buildings.
PSC 114.320B7 Separation from other underground installations–gas lines.
PSC 114.323E3 Vault and utility tunnel access.
PSC 114.350F General

Table PSC 114.352–1 Supply cable, conductor, or duct burial depth.

PSC 114.353E Deliberate separations – Equal to or greater than 300 mm (12 in) from underground structures or other.

PSC 114.354D1g Random separation – Separation less than 300 mm (12 in) from underground structures or other cables.

PSC 114.354E Supply and communication cables or conductors, foundations and water and sewer lines.

PSC 114.381H Warning signs.

Part 4 — Rules for the Operation of Electric Supply and Communications Lines and Equipment

- PSC 114.402 Referenced sections.
PSC 114.410 General requirements.

Subchapter I — Administration and Enforcement

PSC 114.001 General information. (1) ADMINISTRATIVE AUTHORITIES. The Wisconsin State Electrical Code is issued and administered by the public service commission and the department of safety and professional services, division of safety and buildings as part of the Wisconsin Administrative Code. The public service commission has primary responsibility for issuance and administration of Volume 1 as found in this chapter. The department of safety and professional services, division of safety and buildings has similar responsibility for issuance and administration of Volume 2 which is found in ch. SPS 316.

(2) AVAILABILITY OF STATE ELECTRICAL CODE. The public service commission has adopted the 2012 edition of the National Electrical Safety Code (NESC–2012) with certain deletions, changes and additions which are found in Volume 1, Wisconsin State Electrical Code. Copies of the NESC may be purchased from the Institute of Electrical and Electronics Engineers, Inc., IEEE Service Center, 445 Hoes Lane, P.O. Box 1331, Piscataway, NJ 08855–1331 (telephone 1–800–678–IEEE) or the American National Standards Institute, 1430 Broadway, New York, NY 10018 (telephone

212/642–4900). Copies of the NESC may be ordered online at <http://standards.ieee.org/nesc>. Copies of Volume 1, Wisconsin State Electrical Code, may be ordered from the Wisconsin Department of Administration, Document Sales, 202 S. Thornton Avenue, Madison, WI 53702, (telephone 608/266–3358). Unofficial copies of the rules can be obtained online at http://docs.legis.wi.gov/code/admin_code/psc/114.

Note: The department of safety and professional services, division of safety and buildings, has similarly adopted the National Electrical Code (NEC) with certain deletions, changes and additions which are found in Volume 2, Wisconsin State Electrical Code. Copies of Volume 2, Wisconsin State Electrical Code, may be ordered from the Wisconsin Department of Administration, Document Sales, 202 S. Thornton Avenue, Madison, WI 53702. See ch. SPS 316 for current availability information for the NEC.

PSC 114.002 Purpose and scope. (1) PURPOSE. The purpose of this chapter is the practical safeguarding of persons during the installation, operation or maintenance of electric supply and communication lines and their associated equipment. This chapter contains basic provisions considered necessary for the safety of employees and the public. This chapter is not intended as a design specification or an instruction manual.

(2) SCOPE. (a) This chapter applies to supply and communications lines, equipment, and associated work practices employed by an electric supply, communication, railway, or similar utility in the exercise of its function as a utility. In addition, this chapter prohibits the location of buildings, structures, and equipment and prohibits materials storage and change of grade, by any person in violation of the clearance requirements of this chapter. This chapter has also been adopted by the department of safety and professional services as part of Volume 2, Wisconsin State Electrical Code, for application to installations over 600 volts of parties other than utilities.

(b) This chapter applies to utility facilities and functions up to the service point.

(c) This chapter applies to street and area lights, supplied by underground or overhead conductors, under the exclusive control of utilities, including their authorized contractors, and municipal electrical departments.

(d) This chapter does not apply to installations in mines, ships, railway rolling equipment, aircraft or automotive equipment, or utilization wiring except as covered in Parts 1 and 3, NESC–2012.

PSC 114.003 Authority and statutory references. (1) STATUTORY AUTHORITY. Volume 1, Wisconsin State Electrical Code, constitutes a general order of the public service commission authorized by ss. 196.74 and 227.11, Stats.

(2) COMPLIANCE WITH ELECTRIC CODE. (a) A utility may not provide electric service unless it is in compliance with the requirements of Volume 1, Wisconsin State Electrical Code, though some portions of the code may not be directly enforceable by state agencies. The authority for the enforcement of Volume 1, Wisconsin State Electrical Code, is vested in the public service commission with respect to the installation and operation of circuits or equipment by public utilities and railroads in the exercise of their functions as utilities and railroads.

Note: The authority for the enforcement of Volume 1, Wisconsin State Electrical Code, is vested in the commission with respect to the installation and operation of circuits or equipment by public utilities and railroads in the exercise of their functions as utilities and railroads.

(b) A utility must obtain proof of compliance with the Wisconsin state electric code before extending service to a

premise. Proof of such compliance shall consist of a certificate furnished by a municipal or other recognized inspection department or officer, or if there is no such inspection department or officer it shall consist of a written statement furnished by the contractor or other person doing the wiring, indicating that there has been such compliance.

(3) OTHER REQUIREMENTS. (a) Nothing in this chapter shall be construed to deprive a municipality of jurisdiction over utilities, places of employment or public buildings, except that no local requirements shall be less stringent than the requirements in this chapter.

Note: See s. 196.58, Stats.

(b) A utility may seek public service commission approval of requirements covering subject matter which is a part of this code, but such requirements must be acceptable and not less stringent than the requirements of this chapter. See s. 196.19, Stats.

Note: There are state statutes that refer directly to certain electrical construction. Some of these are: ss. 66.0831, 86.16, 134.40, 134.41, 182.017, 182.0175, 182.018, 196.171, 196.58, 196.67, and 196.72, Stats.

(4) COMPLAINTS. If a complaint is filed with the public service commission by any interested party to the effect that public safety requires changes in construction or methods of operation, the public service commission shall investigate and make recommendations. See s. 196.74, Stats., for procedure if changes in utility facilities are necessary.

(5) ENFORCEMENT. The requirements in the code are enforceable in the same manner as other orders of the commission.

Note: See ss. 102.57, 102.58, 195.07, 196.41, 196.64, 196.66, 196.74, and ch. 227, Stats.

Subchapter II — General Requirements

PSC 114.004 General requirements. (1) CHARACTER OF CONSTRUCTION, MAINTENANCE AND OPERATION. All electrical power and communication equipment and lines shall be of such construction, and so installed, operated and maintained as to minimize the loss of life and fire hazard.

(2) CONSTRUCTION, INSPECTION AND REPAIRS. (a) All construction and equipment shall be cleaned when necessary and inspected at such intervals as experience has shown to be necessary. Any equipment or construction known to be defective so as to endanger life or property shall be promptly repaired, permanently disconnected, or isolated until repairs can be made. Construction, repairs, additions and changes to electrical equipment and conductors shall be made by qualified persons only.

(b) Facilities installed or used in the generation, transmission, distribution and utilization of electricity shall be designed for such installation or use.

PSC 114.005 Application of rules. (1) NEW INSTALLATIONS AND EXTENSIONS. This chapter shall apply in full to all new installations, reconstructions, alterations and extensions, except as modified or waived by the commission under sub. (3).

(2) EXISTING INSTALLATIONS. (a) Where an existing installation meets, or is altered to meet these rules, such installation is considered to be in compliance with this edition and is not required to comply with any previous edition.

(b) Existing installations, including maintenance replacements, which comply with prior editions of the code, need not be modified to comply with these rules except as may be directed for safety reasons by the commission and within the time determined by said agency.

(c) Where conductors or equipment are added, altered, or replaced on an existing structure, the structure or the facilities on the structure need not be modified or replaced if the resulting installation will be in compliance with the rules in effect at one of the following times:

1. At the time of the original installation.
2. At the time of an addition, alteration, or replacement.
3. Currently, in accordance with par. (a).

(3) **WAIVING RULES.** This chapter is intended to apply to all installations, except as modified or waived by the commission. The rules are intended to be so modified or waived in particular cases whenever any rules are shown for any reason to be impractical or if equivalent safety is secured in other ways.

(4) **TEMPORARY INSTALLATIONS.** Modifying or waiving certain of the rules will sometimes be necessary in case of temporary installations or installations which are shortly to be dismantled or reconstructed. Such temporary construction may be used for a reasonable length of time without fully complying with this code, provided it is under competent supervision while it or adjoining equipment is energized or if it is protected by suitable barriers or warning signs when accessible to any person; but all such construction shall be made reasonably safe.

(5) **TESTING.** Rooms which are used exclusively for routine or special electrical test work, and therefore are under the supervision of a qualified person, need comply with this code only insofar as is practical for the character of the testing done.

(6) **EMERGENCY.** In case of emergency the person responsible for the installation may decide to modify or waive any requirement of this chapter, subject to review by the commission, even should an application be pending before the commission for a requested emergency related modification or waiver.

(7) **INTENT.** (a) The word “shall” indicates provisions that are mandatory.

(b) The word “should” indicates provisions that are normally and generally practical for the specified conditions. However, where the word “should” is used, it is recognized that, in certain instances, additional local conditions not specified herein may make these provisions impractical. When this occurs, the difference in conditions shall be appropriately recognized and s. PSC 114.002 shall be met.

(c) A footnote to a table has the force and effect required or allowed by the rule that specifies the use of the table.

(d) Exceptions to a rule have the same force and effect required or allowed by the rule to which the exception applies.

(e) The word “RECOMMENDATION” indicates provisions considered desirable, but that are not intended to be mandatory.

(f) The word “NOTE” or the word “EXAMPLE” used in a rule indicates material provided for information or illustrative purposes only. “NOTES” and “EXAMPLES” are not mandatory and are not considered to be a part of Code requirements.

(g) A “RECOMMENDATION,” “EXCEPTION,” or “NOTE” applies to all text in that rule above its location that is indented to the same level.

(8) **APPLICATIONS NOT SPECIFICALLY ADDRESSED.** For all applications not specifically addressed in these rules, the design, construction, operations, and maintenance shall be

done in accordance with accepted good practice for the given local conditions known at the time.

PSC 114.006 Adoption of standard by reference. (1) **ADOPTION OF STANDARD.** The National Electrical Safety Code–2012 edition (also American National Standards Institute C2–2012 edition) subject to omissions, changes and additions as otherwise shown in this chapter, is hereby incorporated by reference into the Wisconsin State Electrical Code, Volume 1. Interim amendments to the NESC–2012 will not be effective in this state until such time as this chapter is revised to reflect such changes.

(2) **CONSENT TO INCORPORATE NESC–2012 BY REFERENCE.** Pursuant to s. 227.21, Stats., the attorney general has consented to the incorporation by reference of these standards contained in the NESC–2012, except for the omissions, changes and additions as shown later in this chapter. Copies of the NESC–2012 are on file in the offices of the public service commission and the legislative reference bureau.

Subchapter III — Omissions, Changes or Additions to NESC–2012

PSC 114.007 Omissions, changes, additions to NESC–2012. Omissions, changes or additions to the NESC–2012 are specified in this subchapter and are rules of the public service commission and not requirements of the NESC–2012.

Note: Each omission, change or addition is found in the same location in this subchapter as the appropriate NESC part, section or subsection where the affected rule is found. Each change or addition has been prefixed by ch. PSC 114. Following the PSC designation is the referenced NESC section or subsection and the page on which it is found in the NESC. Example: PSC 114.096C [NESC 096C, p. 32]. The word “Change” following the section number and heading means that the corresponding wording of the NESC–2012 has been changed and that the new wording is substituted at the appropriate location. The word “Addition” following the section number and heading means that a new requirement is incorporated in the NESC–2012 and that the new requirement is inserted at the appropriate location.

Note: To observe federal directives and recommendations that national standards adopt the metric system for units of measure, the numerical values of the NESC–2012 are stated in the metric system and in the customary inch–foot–pound system. To conform to this more international convention, this revision of the Wisconsin State Electrical Code, Volume 1 also adopts the same measurement convention. In the text, the metric value is now shown first with the customary inch–foot–pound value (in parentheses) following. In tables, the metric values are also given first and where the entire tables are duplicated, the table of metric values appears first with the table of inch–foot–pound values following.

Section 1. Introduction to the National Electrical Safety Code

PSC 114.010 Omissions. [NESC 010 through 016, pp. 1–6] Introduction to the National Electrical Safety Code (Section 1) (Omission) Rules 010 through 016 of the NESC–2012 are omitted and not incorporated as part of the Wisconsin State Electrical Code, Volume 1.

Section 2. Definitions of Special Terms

PSC 114.02 Definitions. [NESC Section 2, p. 7] (Change and Addition)

(1) Change the definition of “Administrative Authority” to read:

(a) *Administrative authority.* The authority for the enforcement of this code is vested in the public service commission with respect to the installation and operation of circuits or equipment by public utilities and railroads in the exercise of their functions as utilities and railroads.

(2) Add the following definition:

(a) *Commission.* Public service commission of Wisconsin.

Section 9. Grounding Methods for Electric Supply and Communications Facilities

PSC 114.092B2b (3) Cable with insulating jacket. [NESC 092B2b (3), p. 23] (Change) Change paragraph (3) to read:

(3) Cable with insulating jacket

Additional bonding and connections between the cable insulation shielding or sheaths and the system ground are recommended. Where uninsulated cable joints in multi-grounded shielded cable systems are exposed to contact by personnel, the shielding (including sheath or concentric neutral) at the joint shall be grounded. Accessible insulated cable joints are not required to be grounded by this rule. Where multi-grounded shielding cannot be used for electrolysis of sheath-current reasons, the shielding sheaths and splice-enclosure devices shall be insulated for the voltage that may appear on them during normal operation.

Bonding transformers or reactors may be substituted for direct ground connection at one end of the cable.

PSC 114.092D Current in grounding conductor. [NESC 092D, p. 24] (Change) Change paragraph D to read:

D. Current in grounding conductor

Ground connection points shall be so arranged that under normal operating circumstances there will be no objectionable flow of current over the grounding conductor. If an objectionable flow of current occurs over a grounding conductor due to the use of multi-grounds, the following options may be used:

1. Determine the source of the objectionable ground conductor current and take action necessary to reduce the current to an acceptable level at its source.
2. Subject to the approval of the commission, other effective means may be used to limit the current, but no means employed shall create a situation of excessive voltage buildup on the neutral.

The system ground of the source transformer shall not be removed.

Under normal system conditions a grounding conductor current will be considered objectionable if the electrical or communications system's owner or operator deems such current to be objectionable, or if the presence or electrical characteristics of the grounding conductor current is in violation of rules and regulations governing the electrical system, as set forth by the commission.

The temporary currents set up under abnormal conditions while grounding conductors are performing their intended protective functions are not considered objectionable. The conductor shall have the capability of conducting anticipated fault current without thermal overloading or excessive voltage buildup. Refer to Rule 93C.

Note: Some amount of current will always be present on the grounding conductors of an operating AC electrical system. That current may be conducted and/or induced and is not, in and of itself, objectionable.

PSC 114.094 Grounding electrodes. [NESC 094B4, p. 29] (Section 9)

(1) Rule 094B4 of the NESC–2012 is omitted and not incorporated as part of the Wisconsin State Electrical Code, Volume 1.

PSC 114.096C Multi-grounded systems. [NESC 096C, p. 32] (Change)

(1) Change paragraph C to read:

C. The neutral, which shall be of sufficient size and ampacity for the duty involved, shall be connected to a made or existing electrode at each transformer location and at a sufficient number of additional points with made or existing electrodes to total not less than nine grounds in each 1.6 km (1 mi) of line, including those grounds at transformer locations, but not including grounds at individual services. In rural districts, the primary neutral shall be connected to a made or existing electrode at each pole to which it is attached. For the purposes of this rule, rural districts are those areas outside of cities and villages.

Exception 1: In underground multi-grounded systems where an insulating jacket or nonmetallic conduit is used over direct-buried concentric-neutral supply cable, this requirement may be reduced to four grounds in each 1.6 km (mile). This exception for use of supply cable with an insulating jacket or nonmetallic conduit shall not be permitted for random lay construction. See Part 3, Rule 354, "Random Separation—Separation Less Than 300 mm (12 in) from Underground Structures or Other Cables."

Exception 2: Where underwater crossings are encountered, the requirements of made electrodes do not apply for the underwater portion if the neutral is of sufficient size and capacity for the duty involved and the requirements of Rule 92B2 are met.

Recommendation: This rule may be applied to shield wire(s) grounded at the source and which meet the multi-grounded requirements of this rule.

Note: Multi-grounded systems extending over a substantial distance are more dependent on the multiplicity of grounding electrodes than on the resistance to ground of any individual electrode. Therefore, no specific values are imposed for the resistance of individual electrodes.

PSC 114.097 Separation of grounding conductors. [NESC 097C, p. 32] (Changes)

(1) Change paragraph C to read:

C. Primary and secondary circuits utilizing a single conductor as a common neutral shall have at least nine ground connections on such conductor in each 1.6 km (1 mi) of line, including those grounds at transformer locations, but not including ground connections at customers' service equipment.

(2) Change paragraph D to read:

D. Multi-grounded systems

On multi-grounded systems, the primary and secondary neutrals shall be interconnected according to Rule 097B.

Exception: Where it is necessary to separate the neutrals, interconnection of the neutrals shall be made through an electronic switching device designed for the purpose and of a type acceptable to the authority having jurisdiction. The device shall have a 60 Hz breakdown voltage not exceeding 3 kV and have a short circuit current withstand capability greater than the short circuit current available at the location of installation. At least one other grounding connection on the secondary neutral shall be provided in addition to the customer's grounds at each service entrance. A distance of not less than 3.60 m (12 ft) nor more than 6.1 m (20 ft.) shall separate the secondary neutral grounding electrode from the primary neutral and surge arrester grounding electrode, which shall not be relocated to accommodate this separation. Since a difference of potential will exist where primary and secondary neutrals are not directly interconnected, the primary and secondary grounding conductors shall be insulated for 600 V.

Note: Cooperation of all communications and supply utilities, customers of these utilities, and others may be necessary to obtain effective isolation between primary and secondary neutrals.

PSC 114.099 Additional requirements for grounding and bonding of communication apparatus. [NESC 099, p. 33] (Change and Addition) Change title 099 to read:

PSC 114.099 Additional requirements for grounding and bonding of communication apparatus and transmission lines.

(Change) Change paragraph C to read:

C. Bonding of electrodes

A bond not smaller than AWG No. 6 copper or equivalent shall be placed between the communication grounding electrode and the supply system neutral grounding electrode

where separate electrodes are used at the structure or building being served. All separate electrodes shall be bonded together except where separation is required per Rule 97. Bonding to other systems shall not be done on or within a metering enclosure unless a means of bonding, intended for inter-system bonding, is furnished as part of the metering enclosure.

Recommendation: If water piping is used as a bonding means, care must be taken to assure that the metallic path is continuous between electrodes.

Note 1: See NEC Article 800-100(D) for corresponding NEC requirements.

Note 2: The bonding together of all separate electrodes limits potential differences between them and between their associated wiring systems.

(Addition) [Follows NESC 099C, p. 34] Add paragraph D to read:

D. Transmission shield wire systems and transmission systems with under-built multi-grounded distribution systems.

1. The shield wire system providing lightning protection for transmission lines (69 kV phase-to-phase and greater) shall be connected to a made or existing grounding electrode at every transmission pole or structure for each shield wire.

(a) If the transmission line has any under-built distribution attached to the same pole or structure, the shield wire system shall be bonded to the grounding conductor of the distribution neutral at each pole or structure.

(b) The under-built distribution neutral may be connected to its own made or existing ground electrode at each pole or structure.

Exception: Shield wires that are segmented and isolated from ground at a particular pole or structure need not follow this rule.

2. The shield wire of the transmission system shall not be used as the distribution neutral conductor in lieu of the installed distribution neutral conductor.

Part 2. Safety Rules for the Installation and Maintenance of Overhead Electric Supply and Communication Lines

Section 20. Purpose, Scope and Application of Rules

PSC 114.202 Application of rules. [NESC 202, p. 73] (Change) Change the paragraph 202 to read:

202. Application of rules

The general requirements for application of these rules are contained in s. PSC 114.005. However, when a structure is replaced, arrangement of equipment shall conform to the 2012 Edition of Rule 238C.

Section 21. General Requirements

PSC 114.210 Referenced sections. [NESC 210, p. 74] (Change) Change paragraph 210 to read:

210. Referenced sections

The Introduction (Section 1) as amended by s. PSC 114.010, Definitions (Section 2) as amended by Section 2 of Chapter PSC 114, List of Referenced Documents (Section 3) and Grounding Methods (Section 9) as amended by Section 9 of Chapter PSC 114 shall apply to the requirements of Part 2.

PSC 114.215C4b Use of insulators in anchor guys. [NESC 215C4b, p.76] (Addition) Add Exception to read:

Exception: This requirement does not apply to supply cables meeting Rule 230C3 or communication cables.

PSC 114.215C5b Use of insulators in span guys and span wires supporting luminaries and traffic signals. [NESC 215C5b, p. 76] (Addition) Add Exception to read:

Exception: This requirement does not apply to supply cables meeting Rule 230C3 or communication cables.

PSC 114.219 Marking of poles and structures carrying high voltage supply lines. [Follows NESC 218, p. 79] (Addition) Add the following section:

PSC 114.219 Marking of poles and structures carrying high voltage supply lines.

(1) Every corporation, company or person constructing, operating or maintaining an electric transmission line with a voltage of 2,000 or more between conductors and the ground shall place warning signs from 1.2 to 2.45 m (4 to 8 ft) above the ground upon all poles or other structures supporting the line.

Exception: Existing poles and structures which were required to be signed by s. 196.67, stats. and were installed prior to January 1, 1995, are permitted to comply with the warning sign requirements which existed on December 31, 1994.

(2) Warning signs installed as replacements or new facilities on overhead electrical supply line poles and structures shall comply with the following standards:

(a) Warning signs which meet the requirements as to format and color of American National Standards Institute standard ANSI Z535.2-2011 for safety signs.

(b) The overall dimensions of these signs shall not be less than 25.4 cm by 17.78 cm (10 in by 7 in) except that in those situations where use of a sign this size is not practical, two or more signs not smaller than 17.78 cm by 12.7 cm (7 in by 5 in) may be substituted.

Exception: Existing poles and structures installed prior to July 1, 2003, are permitted to continue to use the "Danger - High Voltage" sign format meeting the requirements of the prior rule until such signs are replaced.

Note: This rule amends and expands the application of the warning sign requirements of s. 196.67, Stats., as it existed prior to its revision which became effective on January 1, 1995. In 1993, this statute was revised by deleting the specified location provisions limiting the required signing to certain poles. As a result, all poles and structures supporting lines with a voltage of 2,000 or more installed after the effective date of January 1, 1995, are required to carry warning signs. See s. 196.67, Stats.

Section 23. Clearances

Note: The specification of clearances in Rules 232, 233, and 234, first adopted in the NESC-1990, and continued in the 1997 edition of the NESC adopted herein, have been revised in both concept and content to reflect the new Uniform System of Clearances approach which is described in Appendix A of NESC-1990, NESC-1993, NESC-1997, NESC-2002, NESC-2007 and NESC-2012. Because the approach and the application of the rules have been revised, it must be understood that clearance values of editions of the national and state codes prior to 1990 cannot be directly compared to those of editions of the codes after 1990. See Appendix A of NESC-1990, NESC-1993, NESC-1997, NESC-2002, and NESC-2007 or NESC-2012.

PSC 114.230A Clearances. [NESC 230A (1) and 230A (2), p. 85] (Section 23) Rules 230A(1) and 230A(2) of the NESC-2007 are omitted and not incorporated as part of the Wisconsin State Electrical Code, Volume 1.

PSC 114.230I Maintenance of clearances and spacings. [NESC 230I, p. 89] (Section 23) (Change) Change the Note in paragraph I to read:

Note: See rule PSC 114.005(2) to determine the applicable edition.

Table PSC 114.232-1 [NESC, Table 232-1, pp. 94-97: Metric; pp. 97-100: Feet] Vertical Clearance of Wires, Conductors and Cables above Ground, Rails, or Water Surfaces (Changes and Additions)

The Footnotes for NESC Table 232-1 on page 96-97 (Metric) and page 99-100 (Feet) contain the following changes and additions:

Change Footnote 18 to read as follows:

¹⁸ For uncontrolled water flow areas, the surface area and clearances shall be based on the normal high water level.

Change Footnote 21 to read as follows:

²¹ Where the US Army Corps of Engineers, or the state, or surrogate thereof has issued a crossing permit, the greater clearances of that permit or this code shall govern.

Add Footnote 26 to read as follows:

²⁶ Water areas not suitable for sailboating include portions of meandering rivers, streams and canals where the widest width does not exceed 50 m (165 feet) within any unobstructed, 1.6-km (1-mile) long segment that includes the crossing or where the width does not exceed 50 m (165 feet) within the surface area of any segment less than 1.6-km (1-mile) long on the line-crossing side of an overwater obstruction. All rivers, streams, canals and creeks as defined by the Wisconsin department of natural resources (DNR) which meet this definition are considered not suitable for sailing.

Exception: Regardless of width, the clearance over a canal, river, or stream normally used to provide access for sailboats to a larger body of water shall be the same as that required for water areas suitable for sailboating on the larger body of water. This also applies where a sailboat may be transported across such water with its mast extended.

Add the reference to Footnote 26 in NESC-2012 Table 232-1 on pp. 94-97 (Metric) and pp. 97-100 (Feet) to the sailboating category titles of rows 6 and 7. It applies to all clearances in those rows.

Add Footnote 27 which reads as follows:

²⁷ A diagonal clearance equal to the required vertical clearance shall be maintained to uneven or sloping terrain within a horizontal distance of 3/4 (75%) of the required vertical clearance. All distances shall be measured from the conductors in their wind-displaced position as defined in NESC Rule 234A2.

Add the reference to Footnote 27 in NESC-2012 Table 232-1 on pp. 94-97 (Metric) and pp. 97-100 (Feet) to the conductor category titles of columns 3, 4 and 5. It applies to all clearances in those columns.

Table PSC 114.232-2 [NESC, Table 232-2, pp. 101-102 (Metric) and pp. 102-103 (Feet)] Vertical Clearance of Equipment Cases, Support Arms, Platforms, Braces and Unguarded Rigid Live Parts Above Ground, Roadway, or Water Surfaces (Change)

Change Footnote 8 to read as follows:

⁸ Where the US Army Corps of Engineers, or the state, or surrogate thereof has issued a crossing permit, the greater clearances of that permit or this code shall govern.

Table PSC 114.232-3 [NESC, Table 232-3, p. 104] Reference Heights (Change) Change Footnote 3 to read:

³ For controlled impoundments, the surface area and corresponding clearances shall be based upon the design high water level. For other waters, the surface area and clearances shall be based on the normal high water level. The clearance over rivers, streams, and canals shall be based upon the largest surface area of any 1.6-km-long (1 mi) segment which includes the crossing. The clearance over a canal, river or stream normally providing access for sailboats to a larger

body of water shall be the same as that required for the larger body of water.

PSC 114.234C1a Vertical and horizontal clearances. [NESC 234C1a, p. 118] (Change)

Change paragraph (1) (a) to read:

(a) *Clearances.* Unguarded or accessible wires, conductors, cables, or rigid live parts may be located adjacent to buildings, signs, billboards, chimneys, radio and television antenna, tanks, flagpoles and flags, banners and other installations and any projections therefrom. The vertical and horizontal clearances of such rigid and nonrigid parts shall be not less than the values in Table 234-1 when at rest under the conditions specified in Rule 234A1. These facilities may be installed beside, over or under buildings, building projections and other installation, as illustrated in Figs. 234-1 (a) and 234-1 (b) and 234-1 (c). Buildings, signs, billboards, chimneys, radio and television antennas, tanks, flagpoles and flags, banners and other installations and any projections therefrom shall not be located near existing wires, conductors, cables or rigid live parts if doing so results in clearances less than the values given in Table 234-1.

PSC 114. 234C1c Transmission lines over dwelling units. [follows NESC 234 C1b, p. 119] (Addition) Add the following paragraph 4c:

c. Transmission lines over dwelling units.

No utility may construct conductors of supply lines designed to operate at voltages in excess of 35 kV over-any portion of a dwelling unit. This provision also covers line conductors in their wind-displaced position as defined in Rule 234A2.

Note: It is the intent under s. SPS 316.225 (6) that the public not construct any portion of a dwelling unit under such lines.

Note: The term "dwelling unit", has the meaning given in ch. SPS 316, which adopts by reference the definitions in NEC-2008.

Note: See s. SPS 316.225 (6) Clearance Over Buildings and Other Structures which refers to ch. PSC 114 regarding clearance of conductors over 600 volts and for the prohibition of dwellings under or near overhead lines.

PSC 114.234C3d Supply conductors attached to buildings or other installations. [NESC 234C3d, p.119] (Change) Change Exception 2 (a) to read:

Exception 2 (a): 2.45 m (8 feet). This clearance may be reduced to 0.90 m (3 ft) for supply conductors limited to 300 volts to ground and communication conductors and cables if the roof has a slope of not less than 1 (vertical) to 3 (horizontal).

PSC 114.234C6 Clearance of lines near stored materials. [Follows NESC 234C5, p. 120] (Addition) Add the following paragraph 6 and note:

6. Clearance of Lines Near Stored Materials

Lines, under wind-displaced conditions stated in Rule 234A2, shall not be run over designated material storage areas where material is regularly stored and handled by cranes, dump trucks, elevators or other types of high machinery unless the clearance of such lines is adequate to permit full use of the equipment. Material which requires the use of such high machinery shall not be stored near or under existing lines.

Note: See NESC Rule 234F for Grain Bin clearances.

PSC 114.234C7 Clearance of lines near fuel storage tanks. [Follows NESC 234C5, p. 120] (Addition) Add the following paragraph 7 and exceptions 1 and 2:

7. Clearance of Supply Lines Near Fuel Storage Tanks

Supply lines shall not be run over above-ground flammable liquids and liquefied petroleum gas (LPG) storage tanks. A horizontal clearance of not less than 2.45 m (8 ft) with

cables at rest, and not less than 1.80 m (6 ft) with cables displaced by wind according to Rule 234A2, shall be maintained between above-ground flammable liquids and liquefied petroleum gas storage tanks and supply cables of all voltages meeting Rule 230C. A horizontal clearance of not less than 4.6 m (15 ft) with conductors at rest, and not less than 3.0 m (10 ft) with conductors displaced by wind according to Rule 234A2, shall be maintained between such fuel storage tanks and all other supply conductors.

Exception 1: These requirements do not apply to liquefied petroleum gas tanks with a capacity of 1,000 gallons or less.

Exception 2: These requirements do not apply to tanks enclosed in a building or fully covered by a roof or canopy capable of preventing falling overhead supply conductors from directly contacting the tank. In this case, the vertical and horizontal clearance requirements of conductors from buildings apply. See Rule 234C.

PSC 114.234C8 Clearance of lines near wells. [Follows NESC 234C5, p. 120] (Addition) Add the following paragraph 8 and exception:

8. Clearance of Open Supply Lines Near Wells

Open supply lines shall not be run over wells. A horizontal clearance with conductors at rest of no less than 3/4 of the vertical clearance of the conductors to ground required by Rule 232, and a horizontal clearance of not less than 3.0 m (10 ft) with conductors displaced by wind according to Rule 234A2, shall be maintained between open supply conductors and wells. Persons installing such wells shall also comply with this requirement.

Exception: This rule does not apply to Groundwater Monitoring Wells defined in Wis. Admin. Code ch. NR 141 provided such wells are installed using hydraulic push methods, such as a Geoprobe type rig (The vertical clearance required for a Geoprobe is typically less than 10 feet.) and where sampling is accomplished using a bailer or a submersible pump attached to flexible tubing. This exception is not intended to apply to monitoring wells installed with drilling rigs that are taller than 14 feet or sampling methods that require sections of piping (steel or plastic pipe).

PSC 114.234C9 Clearance of lines near antennas. [Follows NESC 234C5, p. 120] (Addition) Add the following paragraph heading 9 and note:

9. Clearance of lines near antennas

Note: Besides the applicable clearances of Rule 234C, additional requirements with respect to the proximity of antennas to power and communications lines are found in Wisconsin Building Code (Antenna Setback and Antenna Support, IBC Chapter 31, Sections 3108.1, 3108.2 and 3108.4).

PSC 114.234E1 Swimming pools. [NESC 234E1, p. 121] (Addition) Add the following sentence to the beginning of paragraph E1:

1. Swimming Pools

Pools and appurtenances shall not be placed under or near existing service-drop conductors or any other overhead wiring; nor shall such wiring be installed over a swimming pool or the surrounding area unless such installation complies with the clearances or the exceptions specified in NESC Rule 234E1.

PSC 114.234F1 Grain bins loaded by permanently installed augers, conveyers, or elevator systems. [Following NESC 234F1, P. 122] (Addition) Add Exception and Note to read:

Exception: Farm silos that are loaded by a blower through a vertical metal tube permanently attached to the side of the structure are not considered grain bins.

Note: Typical cylindrical farm silos are considered buildings for the purposes of this code and the clearance requirements of NESC Rule 234C, as amended herein, would apply.

Table PSC 114.234-1 [NESC Table 234-1, pp. 130-133 (Metric) and pp. 134-137 (Feet)] Clearance of Wires, Conductors, Cables, and Unguarded Rigid Live Parts Adjacent But Not Attached to Buildings and Other Installations Except Bridges. (Changes, Deletions and Additions).

Table PSC 114.234-1 Metric contains the following changes and additions to NESC Table 234-1 Metric:

The value in Item (Row) 1. b. (1), Column 2 is revised from "0.90" to "2.45".

The value in Item (Row) 1. b. (1), Column 3 is revised from "1.07" to "2.45".

Add Footnote 17, which reads as follows:

¹⁷This clearance may be reduced to 0.90 m for supply conductors limited to 300 V to ground and communications conductors and cables if the roof has a slope of not less than 1 (vertical) to 3 (horizontal).

The reference to Footnote 17 is added to the values in Item (Row) 1.b.(1), Columns 2 and 3.

Table PSC 114.234-1 Feet contains the following changes, deletions and additions to NESC Table 234-1 Feet:

The value in Item (Row) 1. b. (1), Column 2 is revised from "3.0" to "8.0."

The value in Item (Row) 1. b. (1), Column 3 is revised from "3.5" to "8.0."

Add Footnote 17, which reads as follows:

¹⁷This clearance may be reduced to 3 ft for supply conductors limited to 300 V to ground and communications conductors and cables if the roof has a slope of not less than 1 (vertical) to 3 (horizontal).

The reference to Footnote 17 is added to the values in Item (Row) 1. b. (1), Columns 2 and 3.

PSC 114.235C2b (1) (a) Sag-related clearances. [Follows NESC 235C2b (1) (a) Exception 2, p. 150] (Change)

(1) Change Exception 2 to read:

Exception 2: For supply conductors of different utilities, vertical clearance at any point in the span need not exceed 75% of the values required at the supports for the same utility by Table 235-5.

Section 24. Grades of Construction

PSC 114.242G Grades of construction for conductors. [Follows NESC 242F, p. 187] (Addition) Add the following paragraph G to read:

G. Circuits exceeding 175 kV to ground

Grade B construction shall always be used if the voltage exceeds 175 kV to ground.

Section 25. Loading for Grades B and C

PSC 114.250C Extreme wind loading. [Alternative to NESC 250C, p. 191] As an alternate to NESC Tables 250-2 and Table 250-3, the following Table PSC 114.250-2 and the related definitions and formulas for k_z and G_{RF} may be used. (NESC Figure 250-2(b) "Basic Wind Speeds" is a part of this rule by reference.)

C. Extreme wind loading

If no portion of a structure or its supported facilities exceeds 18 m (60 ft) above ground or water level, the provision of the rule are not required, except as specified in Rule 261A.1.2.f. Where a structure or its supported facilities exceeds 18 m (60 ft) above ground or water level, the structure and its supported facilities shall be designed to withstand the extreme wind load associated with the Base Wind Speed as

specified by NESC Figure 250–2 (b). The wind pressures calculated shall be applied to the entire structure and supported facilities without ice.

The following formula shall be used to calculate wind load:

$$\text{Load in Newton} = 0.613 \cdot (V_{m/s})^2 \cdot k_z \cdot G_{RF} \cdot I \cdot C_d \cdot A$$

A(m²)

$$\text{Load in pounds} = 0.00256 \cdot (V_{mi/h})^2 \cdot k_z \cdot G_{RF} \cdot I \cdot C_d \cdot A(\text{ft}^2)$$

Where:

- 0.613 Ambient Air Density Value, reflects the mass density of air for the standard atmosphere, i.e., temperature of 15°C (59°F) and average sea level pressure of 760 mm (29.92 in) of mercury. (No adjustment in the velocity to pressure coefficient has been made relative to changes in air density with altitude.) The dimensions associated with this coefficient are, for metric, 0.613 N/s²/m⁴; and, for English, 0.00256 lb/hr²/mi²ft².
- 0.00256
- k_Z Velocity–Pressure Exposure Coefficient, as defined in Table PSC 114–250–2.
- V Basic wind speed, from NESC 250C, Figure 250–2 given in m/s at 10 m (mi/h at 33 ft) above ground;
- G_{RF} Gust Response Factor, as defined in Table PSC 114–250–2.
- I Importance factor equal to 1.0 for utility structures and their supported facilities,
- C_d Shape Factor as defined as defined in NESC Rule 252B,
- A Projected wind area, m² (ft²).

Table PSC 114.250–2 (Metric)
Velocity Pressure Exposure Coefficient, k_Z
Gust Response Factor, G_{RF}

	k _Z • G _{RF}	
	For Structures:	For Wires:
For structures with a total height of 30 m or less above ground or water level	1.0	0.85
For structures with a total height exceeding 30 m above ground or water level	0.93+0.00245(h)	0.78+0.00245(h)

Table PSC 114.250–2 (English)
Velocity Pressure Exposure Coefficient, k_Z
Gust Response Factor, G_{RF}

	k _Z • G _{RF}	
	For Structures:	For Wires:
For structures with a total height of 100 ft or less above ground or water level	1.0	0.85
For structures with a total height exceeding 100 ft above ground or water level	0.93+0.00075(h)	0.78+0.00075(h)

Where:

h = height of the structure above ground or water level. For wind loads on wires attached to the structure, the height of the highest wire attachment above ground or water level may be used if less than the height of the structure. In unique terrain where the height of the wire above ground at mid–span may be substantially higher than at the attachment point, engineering judgment may be used to determine an appropriate value the height of the wire.

Note: The height of all wire attachments should be based on the height of the highest attachment or total structure height. The formulas to determine k_ZG_{RF} were based on this premise, not the height of each attachment.

The wind pressure parameters (k_Z, V, and G_{RF}) are based on open terrain with scattered obstructions (Exposure Category C as defined in ASCE 7–98). Exposure Category C is the basis of the NESC extreme wind criteria. Topographic features such as ridges, hills, and escarpments may increase the wind loads on site–specific structures. A topographic Factor, k_{Zt}, from ASCE7–98 may be used to account for these special cases.

PSC 114.250E Longitudinal capability. [Follows NESC 250D, p. 193] (Addition) Add the following paragraph E:

E. Longitudinal capability

Each supply line designed to operate at 300 kV phase to phase or above shall be constructed to limit the effects of a cascading–type failure to a line segment not exceeding 9.6 km (6 mi) to 16 km (10 mi) in length. Such construction requirement may be met by providing, at appropriate intervals, structures and associated facilities having full dead–end capability under the loading provisions of Rules 250 A, B, C and D. Consideration shall be given to factors such as structure type and material, length of line, distance between dead–end or heavy angle structures, and other basic design criteria in determining the length of such individual line segments. For lines supported by "flexible" structures designed with plastic, energy–absorbing capability in failure, this requirement may be met if such design and construction will provide equivalent limitation to longitudinal cascading.

Table PSC 114.253-1 [NESC Table 253-1, p. 212] Load factors for structures¹, crossarms, support hardware, guys, foundations, and anchors to be used with the strength factors of Table 261-1. (Changes)

Change Footnote 2 to read:

² For guys and anchors associated with structures supporting communications conductors and cables only, this factor may be reduced to 1.33. For guys associated with structures supporting supply conductors or supply conductors and communications conductors and cables, this factor may be reduced to 1.5.

Change Footnote 4 to read:

⁴ For guys associated with structures supporting only supply conductors or supply conductors and communications conductors and cables, this factor may be reduced to 2.00. This factor may be reduced to 1.75 for wood and reinforced (not prestressed) concrete structures when the span being supported is not at a crossing.

Section 26. Strength Requirements

Table PSC 114.261-1 [NESC Table 261-1, p. 222] Strength factors for structures, crossarms, braces, support hardware, guys, foundations, and anchors (Change)

Part 3. Safety Rules for the Installation and Maintenance of Underground Electric Supply and Communication Lines

Section 30. Purpose, Scope, and Application of Rules

PSC 114.302 Application of rules. [NESC 302, p. 233]

(Change) Change Rule 302 to read:

302. Application of Rules

The general requirements for application of these rules are contained in s. PSC 114.005.

Section 31. General Requirements Applying to Underground Lines

PSC 114.310 Referenced sections. [NESC 310, p. 234]

(Change) Change Rule 310 to read:

310. Referenced Sections

The Introduction (Section 1) as amended by s. PSC 114.010, Definitions (Section 2) as amended by Section 2 of Chapter PSC 114, List of Referenced Documents (Section 3), and Grounding Methods (Section 9) as amended by Section 9 of Chapter PSC 114, shall apply to the requirements of Part 3.

PSC 114.317 Outdoor location of oil-insulated padmounted transformers near buildings. [Follows NECS 316, p. 236] (Addition) Add the following section:

PSC 114.317 Outdoor location of oil-insulated padmounted transformers near buildings.

A. Noncombustible and Combustible Walls

For the purposes of this section, combustible walls are walls of Type No.V buildings as determined by Wisconsin Building Code (Construction Classification IBC Chapter 6). All other walls are considered to be non-combustible.

B. Noncombustible Walls

Padmounted oil-insulated transformers may be located directly next to noncombustible walls if the following clearances are maintained from doors, windows and other building openings.

1. Padmounted oil-insulated transformers shall not be located within a zone extending 6.1 m (20 ft) outward and 3.0 m (10 ft) to either side of a building door. See Figure PSC 114-317B1.

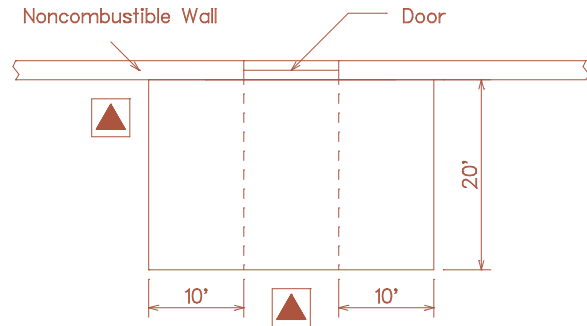


Figure PSC 114-317B1.

2. Padmounted oil-insulated transformers shall not be located within a zone extending 3.0 m (10 ft) outward and 3.0 m (10 ft) to either side of an air intake opening. Such transformers may be located within said zone beneath an air intake opening provided there is not less than 7.6 m (25 ft) diagonal separation between the transformer and said opening. See Figure PSC 114-317B2.

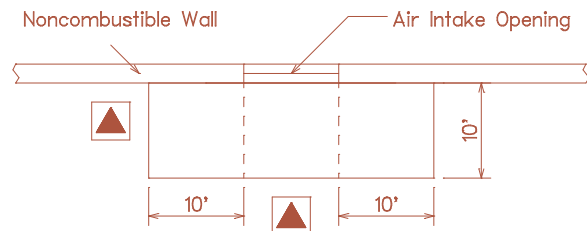


Figure PSC 114-317B2.

3. a. Padmounted oil-insulated transformers shall not be located within a zone extending 3.0 m (10 ft) outward and 0.9 m (3 ft) to either side of a building window or opening other than an air intake. See Figure PSC 114-317B3a.

Exception: This does not apply to a glass block or fire window meeting the requirements of the Wisconsin Commercial Building Code (Fire Window IBC Chapter 7, Section 714.3).

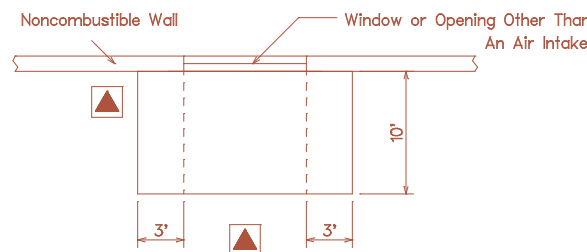


Figure PSC 114-317B3a.

3. b. For second story windows, the transformer shall not be located less than 1.5 m (5 ft) from any part of the window. See Figure PSC 317B3b.

Exception: This does not apply to a glass block or fire window meeting the requirements of the Wisconsin Commercial Building Code (Fire Window, IBC Chapter 7, Section 714.3).

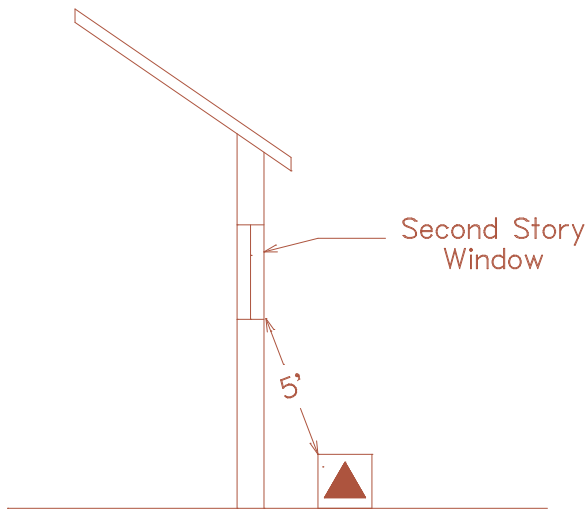


Figure PSC 114-317 B3b.

C. Combustible Walls

1. Padmounted oil-insulated transformers in sizes up to and including 100 kVA shall be located according to the provisions set forth in Subsection B for noncombustible walls.

2. Padmounted oil-insulated transformers in sizes above 100 kVA shall be located a minimum of 3.0 m (10 ft) from the building wall in addition to the clearances from building doors, windows and other openings set forth for noncombustible walls. Also, a sump shall be installed for transformers in size exceeding 500 kVA if the immediate terrain is pitched toward the building.

D. Barriers

If the clearances specified in PSC 114.317 cannot be obtained, a fire-resistant barrier may be constructed in lieu of the required separation. The following methods of construction are acceptable:

1. Noncombustible Walls

The barrier shall extend to a projection line from the corner of the padmounted transformer to the furthest corner of the window, door or opening in question. The height of the barrier shall be 0.3 m (1 ft) above the top of the padmounted transformer. See Figure PSC 114-317D1.

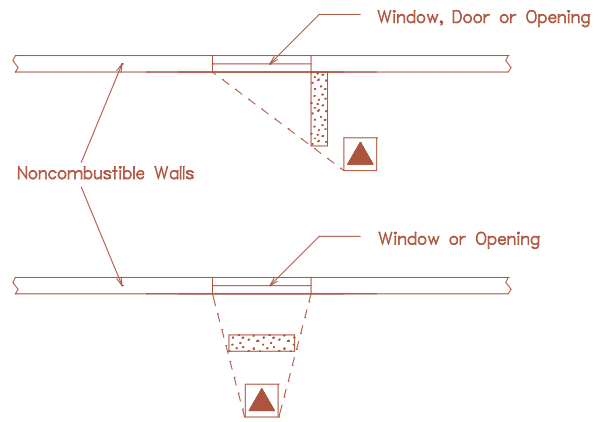


Figure PSC 114-317D1.

2. Combustible Walls

The barrier shall extend 0.9 m (3 ft) beyond each side of the padmounted transformer. The height of the barrier shall be 0.3 m (1 ft) above the top of the transformer. See Figure PSC 114-317D2.

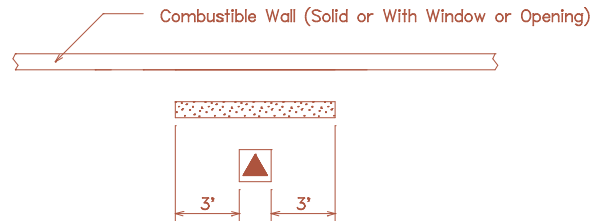


Figure PSC 114-317D2.

E. Fire Escapes

1. Padmounted oil-insulated transformers shall not be located within a zone extending 6.1 m (20 ft) outward and 3 m (10 ft) to either side of the point where a fire escape meets the ground. See Figure PSC 114-317E1.

2. Padmounted oil-insulated transformers located beneath fire escapes shall have a vertical clearance of not less than 3 m (10 ft) from the top of the transformer to the bottom of the fire escape. See Figure PSC 114-317E2.

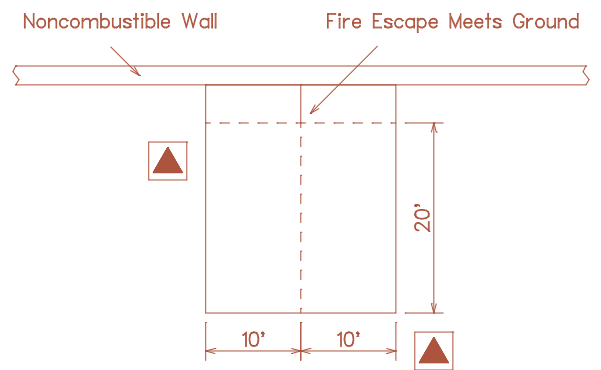


Figure PSC 114-317E1

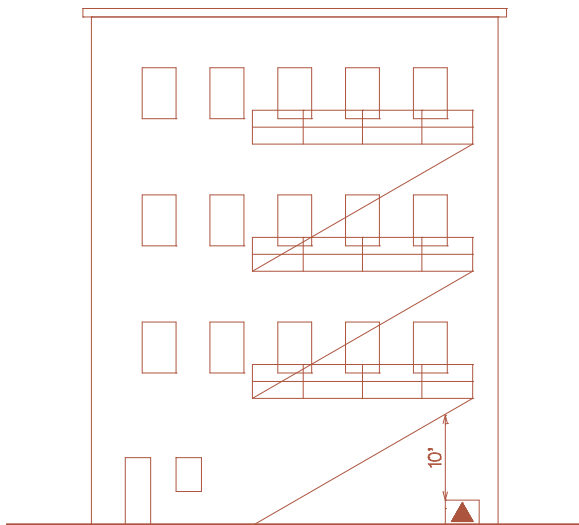


Figure PSC 114-317E2

Section 32. Underground Conduit Systems

PSC 114.320B7 Separation from other underground installations. [Follows NESC 320B6, p. 238] (Addition)
Add the following paragraph 7:

7. Gas lines

a. The separation in any direction of gas transmission lines from electric supply and communication conduit systems shall be a minimum of 0.3 m (12 in).

b. The separation in any direction of gas distribution or service lines from electric supply and communication conduit systems shall be a minimum of 0.15 m (6 in).

Exception: If these separations cannot be attained, the gas line must be protected from damage that might result from the proximity of the electric supply or communication conduit system.

Note: The definition of gas “transmission line,” “distribution line,” and “service line,” as used herein, is the same as that found in 49 CFR192.

PSC 114.323E Vault and utility tunnel access. [NESC 323E, p. 241] (Change and Addition)

Change paragraph 3 to read:

3. Where accessible to the public, access doors to utility tunnels and vaults shall be locked unless qualified persons are in attendance to restrict entry by unqualified persons.

(Addition) Add Recommendation to read:

Recommendation: When vaults and utility tunnels contain exposed live parts, and where entry is through a vertical door a prominent safety sign should be visibly posted on the outside of the door.

Section 35. Direct-Buried Cable

PSC 114.350F General. [NESC 350F, p. 248] (Section 35) (Change) Change paragraph F to read:

F. All direct-buried jacketed supply cable meeting Rule 350B and all direct-buried communication cables shall be legibly marked as follows:

The appropriate identification symbol shown in Fig 350-1 shall be indented or embossed in the outermost cable jacket at a spacing of not more than 1m (40 in). The symbol may be separate or sequentially combined with other data, or symbols, or both, printed on the jacket. If the symbol is sequentially combined, it shall be separated as indicated in Fig 350-1. If optional supplemental striping is used, only supply cables or non-metallic duct containing or intended to contain

supply cables may have three equally separated longitudinal red stripes.

This rule applies to cable installed on or after January 1, 1996.

Exception 1: Cables with jackets that cannot be effectively marked in accordance with Rules 350F need not be marked.

Exception 2: Unmarked cable from stock existing prior to 1 January 1996 may be used to repair unmarked direct-buried jacketed supply cables and communication cables.

Table PSC 114.352-1 [NESC Table 352-1, p. 251] Supply cable, conductor, or duct burial depth (Change and Addition)

Change the present “Exception” after the table to “Exception 1”.

Add a new Exception 2 as follows:

Exception 2: Installations of insulated secondary underground cables operating at less than 600 volts between conductors shall be permitted to be laid on the ground during winter months provided they are suitably protected.

(Addition) Add Note to read:

Note: Grounding and bonding conductors are covered by Rule 093.

PSC 114.353E Deliberate separations — Equal to or greater than 300 mm (12 in) from underground structures or other cables. [Follows NESC 353D, p. 252] (Addition)
Add the following paragraph E to read:

E. Gas lines

The separation in any direction of gas pipelines from direct-buried electric supply and communication facilities shall be a minimum of 0.3 m (12 in).

Exception: If this clearance cannot be attained, the gas line shall be protected from damage that might result from the proximity of the electric supply or communication direct-buried system.

PSC 114.354D1g Random separation — Separation less than 300 mm (12 in) from underground structures or other cables. [NESC 354D1g, p. 253] (Change) Change paragraph g to read:

g. Adequate bonding shall be provided between the effectively grounded supply conductor or conductors and the communication cable shield or sheath at intervals that should not exceed 300 m (1,000 ft). At each above or below grade transformer or above or below grade pedestal, all existing grounds shall be interconnected. These include the primary neutral, secondary neutral, power cable shield, metal duct, or sheath and communication cable sheath. Communication protectors, communication service cable shields and secondary neutrals shall be connected to a common ground at each customer’s service entrance when communication circuits are underground without separation from power conductors.

PSC 114.354E Supply and communication cables or conductors and non-metallic water and sewer lines. [NESC 354E, p. 254] (Change) Change paragraph E to read:

E. Supply and communication cables or conductors, foundations and water and sewer lines.

(1) Supply cables and conductors and water and sewer lines or foundations may be buried together with no deliberate separation between facilities and at the same depth, provided all parties involved are in agreement.

(2) Communication cables and conductors and water and sewer lines or foundations may be buried together with no deliberate separation between facilities and at the same depth, provided all parties involved are in agreement.

(3) Supply cables or conductors, communication cables or conductors, water and sewer lines or foundations may be buried together with no deliberate separation between facilities and at the same depth, provided the applicable rules

in Rule 354D are met and all parties involved are in agreement.

Section 38. Equipment

PSC 114.381H Warning signs. [Follows NESC 381G, p. 257] (Addition) Add paragraph H to read:

H. Warning signs

1. Where a padmounted transformer, switchgear, pedestal, or similar above-grade enclosure is not within a fenced or other protected area and contains live parts in excess of 600 volts, a permanent and conspicuous warning sign shall be provided on the outside of the enclosure which meets the requirements as to format and color of American National Standards Institute standard ANSI Z535.1-2011, ANSI Z535.2-2011, ANSI Z535.3-2011, ANSI Z535.4-2011, and ANSI Z535.5-2011 for safety signs.

2. Electric supply equipment installed prior to July 1, 2003 shall be signed to comply with these rules or the rule in effect in 2003. Warning signs installed as replacements or installed on new facilities shall comply with the standard as prescribed in s. PSC 114.381H1 above. The “Mr. Ouch” symbol may be used as the optional pictorial part of this sign.

Part 4. Rules for the Operation of Electric Supply and Communications Lines and Equipment

Section 40. Purpose and Scope

PSC 114.402 Referenced sections. [NESC 402, p. 261] (Change) Change first sentence of Rule 402 to read:

The Introduction (Section 1) as amended by s. PSC 114.010, Definitions (Section 2) as amended by Section 2 of Chapter PSC 114, List of Referenced Documents (Section 3), and Grounding Methods (Section 9) as amended by Section 9 of Chapter PSC 114, shall apply to the requirements of Part 4.

Section 41. Supply and communications systems — Rules for employers

PSC 114.410 General requirements. [NESC 410A3, p. 262] (Addition) Add the following clarifying note to Rule 410A3b:

Note 4: It is the intent of this rule that the facility owner and equipment owner cooperate to provide the necessary arc assessment of their respective area of responsibility where work is to be performed. Either the facility owner or the equipment owner may request the appropriate information from the other party and perform the assessment on behalf of the other.

SECTION 2. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

(end)

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION DOA-2049 (R03/2012)		DIVISION OF EXECUTIVE BUDGET AND FINANCE 101 EAST WILSON STREET, 10TH FLOOR P.O. BOX 7864 MADISON, WI 53707-7864 FAX: (608) 267-0372	
ADMINISTRATIVE RULES			
Fiscal Estimate & Economic Impact Analysis			
1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected			
2. Administrative Rule Chapter, Title, and Number Ch. PSC 114 Wisconsin State Electrical Code, Volume 1			
3. Subject Electric safety and adopting the latest National Electrical Safety Code into Volume I of the Wisconsin Sate Electrical Code.			
4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		5. Chapter 20, Stats. Appropriations Affected	
6. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost			
7. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)			
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
9. Policy Problem Addressed by the Rule The existing ch. PSC 114 administers an outdated version of the National Electric Safety Code. This rulemaking updates the rule to include provisions from the latest version of that code.			

<p>10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.</p> <p>All electric utilities; Wisconsin Utilities Association; Utility Workers Associations; Wisconsin Federation of Independent Business; Wisconsin Manufacturers and Commerce; Citizens Utility Board, League of Wisconsin Municipalities, Wisconsin Towns Association, Wisconsin Alliance of Cities, IBEW, Municipal Electric Utilities of Wisconsin.</p>	
<p>11. Identify the local governmental units that participated in the development of this EIA.</p> <p>Municipalities with municipal electric utilities and members of the League of Wisconsin Municipalities, Wisconsin Towns Association, and Wisconsin Alliance of Cities.</p>	
<p>12. Summary of Rule’s Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units, and the State’s Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)</p> <p>There are no estimated state fiscal effects from the draft revisions to ch. PSC 114 Wisconsin State Electrical Code, Volume 1.</p> <p>As drafted, the revised Wisconsin State Electrical Code, Volume 1 adopts federal requirements as state rule. The proposed rule clarifies 1) that a utility must obtain proof of compliance with Wisconsin state electric code before extending service to a premise, 2) water areas not suitable for sailboating, 3) when a utility may not construct conductors of supply lines, and 4) defines clearances. The rule also specifies that applicants not addressed should follow accepted good practices known at the time. Other changes are reference number changes only.</p> <p>Revisions to ch. PSC 114 Wisconsin State Electrical Code, Volume 1 are clarifications and do not impact state staff workload or electric utilities. Therefore, the revised rule is not anticipated to have a fiscal effect.</p>	
<p>13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</p> <p>This rulemaking will update provisions of the Wisconsin Electrical Code so that they are consistent with the National Electric Safety Code. This allows the Wisconsin code to be consistent with the latest best practices and with surrounding states.</p>	
<p>14. Long Range Implications of Implementing the Rule</p> <p>This rulemaking provides for the continued oversight of an up to date state electrical code. This rulemaking will update the Wisconsin Electrical Code so that they are consistent with the National Electric Safety Code. This allows the Wisconsin code to be consistent with the latest best practices and with surrounding states.</p>	
<p>15. Compare With Approaches Being Used by Federal Government</p> <p>Not applicable.</p>	
<p>16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)</p> <p>This rulemaking adopts the latest edition of the National Electric Safety Code (NESC). Minnesota automatically adopts each new NESC edition by reference. Michigan does not specifically adopt the NESC but effectively does so by referencing it as “standards of good practice.” Iowa adopts all but Part 4 and Illinois adopts sections of Part 1 and Parts 2 and 3.</p>	
<p>17. Contact Name</p> <p>Lisa Farrell</p>	<p>18. Contact Phone Number</p> <p>608-267-9086</p>

This document can be made available in alternate formats to individuals with disabilities upon request.

Notice of Hearing

Public Service Commission

CR 13-040

(PSC Docket # 1-AC-240)

NOTICE IS GIVEN that pursuant to s. 227.16 (2) (b), Stats., the Public Service Commission of Wisconsin will hold

a public hearing at the time and place below to consider an order to renumber and amend ss. PSC 118.02 (6g) (intro.) and 118.03 (3); to amend ss. PSC 118.02 (1m) and (5), 118.03 (2) (intro.) and (c), 118.04 (1m) (c), (4), and (5), 118.055 (title), (1), (2) (intro.) to (b), (e), and (f), (3) to (5), 118.06 (2) (b), (c) 1., (cm) (intro.) and 1., (d) 1m., (em), and (5), 118.09 (1) to (7); and to create ss. PSC 118.03 (3) (b) and (5), 118.04 (2) (fm), and 118.08 (3) and (4) relating to renewable resource credits.

Hearing Information

Date: Friday, June 28, 2013
Time: 10:00 a.m.
Location: Amnicon Falls Hearing Room
 Public Service Commission Building
 610 North Whitney Way
 Madison, Wisconsin

This building is accessible to people in wheelchairs through the Whitney Way (lobby) entrance. Handicapped parking is available on the south side of the building.

Written Comments

Any person may submit written comments on these proposed rules. The record will be open for written comments from the public, effective immediately, and until Monday, July 15, 2013 at **noon**. All written comments must include a reference on the filing to docket 1-AC-240. File by one mode only.

Industry

File comments using the Electronic Regulatory Filing system. This may be accessed from the commission's website (psc.wi.gov).

Members of the public:

Please submit your comments in one of the following ways:

Electronic Comment. Go to the commission's web site at <http://psc.wi.gov>, and click on the "ERF – Electronic Regulatory Filing" graphic on the side menu bar. On the next page, click on "Need Help?" in the side menu bar for instructions on how to upload a document.

Web Comment. Go to the commission's web site at <http://psc.wi.gov>, click on the "Public Comments" button on the side menu bar. On the next page select the "File a comment" link that appears for docket number 1-AC-240.

Mail Comment. All comments submitted by U.S. Mail must include the phrase "Docket 1-AC-240 Comments" in the heading, and shall be addressed to:

Sandra J. Paske, Secretary to the Commission
 Public Service Commission
 P.O. Box 7854
 Madison, WI 53707-7854

The commission does not accept comments submitted via e-mail or facsimile (fax). Any material submitted to the commission is a public record and may appear on the commission's web site. The commission may reject a comment that does not comply with the requirements described in this notice.

Analysis Prepared by the Public Service Commission of Wisconsin**Statutory authority and explanation of authority**

This rule is authorized under ss. 196.02 (1) and (3), Stats., 196.378, Stats., and 227.11, Stats.

Section 227.11, Stats., authorizes agencies to promulgate administrative rules. Section 196.02 (1), Stats., authorizes the commission to do all things necessary and convenient to its jurisdiction. Section 196.02 (3), Stats., grants the commission specific authority to promulgate rules. Section 196.378, Stats., authorizes the Commission to promulgate a variety of rules concerning renewable energy credits.

Statute interpreted

This rule interprets s. 196.378, Stats.

Related statutes or rules

None.

Brief summary of rule

The purpose of the rulemaking is to amend relevant sections of ch. PSC 118 relating to renewable resource credits to conform to the statutory changes made by 2011 Wisconsin Act 155, effective April 10, 2012. This will be accomplished in the following ways: (1) revise the definition of a renewable resource credit to be consistent with the statute; (2) allow a "customer or member of an electric provider" to create a renewable resource credit under s. 196.378 (3) (a) 1m., Stats.; (3) include wind energy and hydroelectric energy as additional types of energy from which a renewable resource credit may be created under s. 196.378 (3) (a) 1m., Stats.; and (4) revise ch. PSC 118 to reflect the statutory provisions regarding banking of credits. The degree of impact is expected to be wholly positive, offering greater opportunities to create renewable resource credits consistent with the Legislature's changes to s. 196.378, Stats., under 2011 Wisconsin Act 155.

Comparison with existing or proposed federal legislation

No comparison with federal regulations can be made because there is no federal renewable portfolio standard. Two bills proposing a national renewable portfolio standard were introduced in the 112th Congress, but neither has been enacted:

1. Senate Bill 741, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes. Senator Tom Udall (NM) introduced the bill on April 6, 2011. The bill was then referred to Senate committee where it was read twice and referred to the Committee on Energy and Natural Resources.
2. Senate Bill 559, Securing America's Future with Energy and Sustainable Technologies Act. Senator Amy Klobuchar (MN) introduced this bill on March 10, 2011. The bill was then referred to Senate committee where it was read twice and referred to the Committee on Finance.

There are no known federal regulations governing the creation of renewable resource credits or their equivalent.

Comparison with similar rules in surrounding states**Illinois**

Under Ill. Stat. ch. 220 § 5/16-107.5 (net metering), a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of not more than 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements is treated as owning and having title to the renewable energy attributes, renewable energy credits (RECs), and greenhouse gas emission credits related to any electricity produced by the qualified generating unit.

Iowa

Iowa state law does not address ownership of RECs for net-metering customers.

Michigan

A customer or member of an electric provider may generate or own a REC, providing that the facility is certified through the Michigan Renewable Energy

Certification System (MIRECS). MIRECS is a tracking system similar to Midwest Renewable Energy Tracking System, more commonly known as M-RETS. The Michigan Public Service Commission has also identified a REC aggregator who will aggregate like renewable energy that may then be purchased from retail customers or members.

Minnesota

Ownership of RECs where ownership is not addressed in power purchase agreements is not established under Minnesota Public Utility Commission rules or order; instead utilities must pursue negotiations and settlements with the owners of generation units.

Effect on small business

This rulemaking is expected to have no or minimal financial impact. All electric providers, customers or members of an electric provider, and renewable energy developers seeking to create renewable resource credits will be favorably impacted by this change, offering greater opportunities to create renewable resource credits. There is no anticipated impact on utility ratepayers.

Initial Regulatory Flexibility Analysis

This rule will not affect small businesses. The s. 227.114 (12), Stats., definition of “small business” states that to be considered a small business, the business must not be dominant in its field. Since electric utilities are monopolies in their service territories, they are dominant in their fields and, so, are not small businesses.

Fiscal Estimate

An Economic Impact Analysis is attached.

Contact Person

Questions regarding this matter should be directed to Preston Schutt, Docket Coordinator, at (608) 266-1462 or preston.schutt@wisconsin.gov. Small business questions may be directed to Anne Vandervort at (608) 266-5814 or anne.vandervort@wisconsin.gov. Media questions should be directed to Matthew Pagel, Communications & Policy Liaison, at (608) 267-2160. Hearing- or speech-impaired individuals may also use the commission’s TTY number: if calling from Wisconsin, (800) 251-8345; if calling from outside Wisconsin, (608) 267-1479.

The commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding, or who needs to get this document in a different format, should contact the Docket Coordinator as indicated in the previous paragraph as soon as possible.

Text of the Rule

SECTION 1. PSC 118.01 (1) is amended to read:

PSC 118.01 (1) This chapter applies to each Wisconsin electric provider that is subject to s. 196.378 (2) (a), Stats., and to any member or customer of an electric provider.

SECTION 2. PSC 118.02 (1m) is amended to read:

PSC 118.02 (1m) “Certified ~~non-electric-displacement~~ facility” means a ~~non-electric-displacement~~ facility that the commission certifies under s. PSC 118.055.

SECTION 3. PSC 118.02 (5) is amended to read:

PSC 118.02 (5) “Displaced conventional electricity” means electricity derived from conventional resources that an electric provider, or a customer or member of the electric provider, would have used except that the person used instead a certified ~~non-electric-displacement~~ facility.

SECTION 4. PSC 118.02 (6g) (intro.) is renumbered 118.02 (5m) (intro.) and amended to read:

PSC 118.02 (5m) (intro.) “~~Non-electric Displacement~~ facility” means any of the following when used by an electric provider, or by a customer or member of the electric provider:

SECTION 5. PSC 118.03 (2) (intro.) is amended to read:

PSC 118.03 (2) (intro.) An electric provider or customer or member of an electric provider may create ~~an~~ a RRC for conventional electricity displaced by the use of a ~~non-electric-displacement~~ facility only if the ~~non-electric-displacement~~ facility meets all of the following requirements:

SECTION 6. PSC 118.03 (2) (c) is amended to read:

PSC 118.03 (2) (c) Will replace or reduce the use of an electric device or electric service used for the same purpose at the same location as the ~~non-electric-displacement~~ facility.

SECTION 7. PSC 118.03 (3) is renumbered 118.03 (3) (a) and amended to read:

PSC 118.03 (3) (a) An electric provider may only use the renewable portion of the production from a facility using both a renewable and conventional fuel, based on the relative energy content of the fuels, to meet a minimum percentage requirement under s. 196.378 (2) (a), Stats., ~~or to create RRCs.~~

SECTION 8. PSC 118.03 (3) (b) is created to read:

PSC 118.03 (3) (b) An electric provider or customer or member of an electric provider may only use the renewable portion of the production from a facility using both a renewable and conventional fuel, based on the relative energy content of the fuels, to create RRCs.

SECTION 9. PSC 118.03 (5) is created to read:

PSC 118.03 (5) A customer or member of an electric provider may create a RRC in the manner described in sub. (4).

SECTION 10. PSC 118.04 (1m) (c) is amended to read:

PSC 118.04 (1m) (c) ~~An~~ A RRC for displaced conventional electricity is created in the year in which the use of the certified ~~non-electric-displacement~~ facility displaces conventional electricity.

SECTION 11. PSC 118.04 (2) (fm) is created to read:

PSC 118.04 (2) (fm) Two or more customers or members of an electric provider may jointly purchase or sell a RRC.

SECTION 12. PSC 118.04 (4) and (5) are amended to read:

PSC 118.04 (4) An electric provider shall annually retire renewable energy certificates and RRCs in the renewable energy tracking system to demonstrate compliance with its minimum percentage requirement under s. 196.378 (2) (a), Stats. When an electric provider uses ~~an~~ a RRC to comply with the minimum percentage requirements of s. 196.378 (2) (a), Stats., the electric provider shall retire the RRC. When an electric provider uses a MWh of total renewable energy to comply with the minimum percentage requirements of s. 196.378 (2) (a), Stats., the ~~program administrator~~ electric provider shall retire the renewable energy certificate representing the MWh of total renewable energy.

(5) Subject to commission approval, if applicable, the program administrator may establish any procedure necessary to accurately record the creation, sale, transfer,

purchase and retirement of renewable energy certificates and RRCs.

SECTION 13. PSC 118.055 (title) is amended to read:

PSC 118.055 (title) **Certification of non-electric displacement facilities.**

SECTION 14. PSC 118.055 (1) and (2) (intro.) to (b) are amended to read:

PSC 118.055 (1) (a) An electric provider or customer or member of an electric provider may create ~~an~~ a RRC under s. PSC 118.03 (2) based on the use of a certified ~~non-electric displacement~~ facility by the electric provider, or by a customer, or member of the electric provider, to the extent that the use displaces conventional electricity. The commission shall certify ~~non-electric facilities~~ displacement facilities or delegate this responsibility to the program administrator. Any electric provider, customer or member of an electric provider, or owner of a ~~non-electric displacement~~ facility adversely affected by the decision to certify or not certify may file a complaint with the commission. The complaint shall be in writing and filed with the commission within 10 working days after service of the decision. The division administrator may settle and resolve a complaint brought under this paragraph. If the complaint cannot be resolved by mutual agreement, the division administrator shall issue a written decision. Any person adversely affected by the division administrator's written decision may, within 20 working days after its issuance, appeal the decision to the commission by alleging facts that show a violation of a particular statute or provision of this chapter.

(b) The commission may permit an electric provider or customer or member of an electric provider to create ~~an~~ a RRC for conventional electricity displaced by use of a ~~non-electric displacement~~ facility before the date the facility is certified, except that the commission may not permit creation of ~~an~~ a RRC for displacement that occurred before June 3, 2010.

(2) (intro.) To obtain certification of a ~~non-electric displacement~~ facility, the electric provider, customer or member of an electric provider, or a designated representative, shall provide the following information to the commission in a format approved by the commission:

(a) The ~~non-electric displacement~~ facility's location, owner, technology, and date placed in service.

(b) Information that demonstrates the ~~non-electric displacement~~ facility meets the eligibility criteria under s. PSC 118.03.

SECTION 15. PSC 118.055 (2) (e) and (f), and (3) to (5) are amended to read:

PSC 118.055 (2) (e) The electric provider's, customer's or member's affirmation that it has verified all of the information in pars. (a) to (d).

(f) If the ~~electric provider~~ applicant does not own the ~~non-electric displacement~~ facility, a statement signed by the facility owner that affirms the information in pars. (a) to (d) and permits the electric provider, customer or member to create RRCs from the facility.

(3) The commission or the program administrator shall inform the electric provider, customer or member, or its designated representative, whether it has certified a ~~non-electric displacement~~ facility for which it has received an application under sub. (2).

(4) The commission may make on-site visits to any certified unit of a ~~non-electric displacement~~ facility to

determine its compliance with this chapter and with s. 196.378, Stats., may request copies of all supporting documentation used to comply with this section, and may decertify any unit that it finds not to be in compliance.

(5) Nothing in this chapter obligates the owner of a ~~non-electric displacement~~ facility to permit the electric provider to create RRCs from the facility.

SECTION 16. PSC 118.06 (2) (b) is amended to read:

PSC 118.06 (2) (b) Create an account for each certified renewable facility or certified ~~non-electric displacement~~ facility that participates in the tracking system and requests a separate account.

SECTION 17. PSC 118.06 (2) (c) 1. is amended to read:

PSC 118.06 (2) (c) 1. Its ~~electric provider's~~ tracking system account number.

SECTION 18. PSC 118.06 (2) (cm) (intro.) and 1. are amended to read:

PSC 118.06 (2) (cm) (intro.) Upon request by the commission, register each ~~non-electric displacement~~ facility the commission has certified, including the following data about the facility:

1. Its ~~electric provider's~~ tracking system account number.

SECTION 19. PSC 118.06 (2) (d) 1m. is amended to read:

PSC 118.06 (2) (d) 1m. Issues a unique electronic certificate for each MWh of conventional electricity displaced by a certified ~~non-electric displacement~~ facility that complies with ss. PSC 118.03 and 118.04, as calculated under s. PSC 118.09. The certificate shall identify which ~~non-electric displacement~~ facility displaced the MWh, when the facility operated, and any other characteristics the commission finds necessary.

SECTION 20. PSC 118.06 (2) (em) is amended to read:

PSC 118.06 (2) (em) Audit registered ~~non-electric facilities~~ displacement facilities, as needed, to verify the amount of displaced conventional electricity.

SECTION 21. PSC 118.06 (5) is amended to read:

PSC 118.06 (5) An electric provider may not use renewable energy from a decertified renewable facility to meet the electric provider's minimum percentage requirement under s. 196.378 (2) (a), Stats., that was produced after the facility is decertified. The program administrator may not issue RRCs for energy from a decertified renewable facility that was produced after the facility is decertified. The program administrator may not issue RRCs for conventional electricity displaced by the operation of a decertified ~~non-electric displacement~~ facility which displacement occurred after the facility is decertified.

SECTION 22. PSC 118.08 (3) and (4) are created to read:

PSC 118.08 (3) An electric provider or customer or member of an electric provider may not create RRCs for displaced conventional electricity based on the use of a facility for which RRCs are created under s. 196.378 (3) (a) 1., Stats.

(4) An electric provider or customer or member of an electric provider may not create RRCs for displaced conventional electricity based on hydroelectric energy for which an electric provider is permitted to use the average amount of hydroelectric power generated by the facility under s. 196.378 (2) (b) 1m. a., Stats.

SECTION 23. PSC 118.09 (1) to (7) are amended to read:

PSC 118.09 (1) For each calendar year, the commission shall, by order, determine the percentage of electricity from

conventional resources for the entire state for purposes of calculating the amount of an RRC to be created for displaced conventional electricity. The commission shall base this determination on the annual average mix of resources used to generate electricity in the entire area served by the Midwest Independent Transmission System Operator. The commission may, by order, also establish a different percentage for a specific type of ~~non-electric-displacement~~ facility if its seasonal or daily operating characteristics justify a percentage that differs from the annual average percentage.

(2) The commission may, by order, establish a displacement formula for any type of ~~non-electric-displacement~~ facility. The commission shall base any such formula on a calculation of the minimum amount of displaced electricity that would be expected in a typical calendar year under realistic operating conditions. The commission shall provide an opportunity for public comment on any such formula before the formula is established.

(3) For each calendar year, the electric provider ~~or the user of~~ customer or member seeking to create RRCs from a non-electric-certified displacement facility shall determine the net amount of electricity displaced by the ~~non-electric-displacement~~ facility, using site-specific information and either the applicable formula established under sub. (2) or by subtracting the amount of electricity used by the ~~non-electric-displacement~~ facility from the amount of electricity that would have been used for the same purposes by the electric device or electric service that was replaced by the

~~non-electric-displacement~~ facility or that was used less due to the use of the ~~non-electric-displacement~~ facility.

(4) If the value under sub. (3) is less than zero, the electric provider, customer or member may not create any RRCs for the ~~non-electric-displacement~~ facility for that calendar year.

(5) The amount of conventional electricity displaced by a ~~non-electric-displacement~~ facility in a calendar year is equal to the net amount of displaced electricity determined under sub. (3), multiplied by the applicable percentage of electricity in that calendar year that is from conventional resources as determined under sub. (1).

(6) The electric provider ~~or the user of~~ customer or member creating RRCs from a non-electric-displacement facility shall maintain at least three years of historical documentation of all information used in the determination made under sub. (3).

(7) For each ~~non-electric-displacement~~ facility for which an electric provider, customer or member is creating RRCs, the electric provider, customer or member shall submit information to the commission to support its determination under sub. (3) at least annually. The commission may specify the timing and method for submitting information under this subsection. Determinations under sub. (3) are subject to the commission's review and verification.

SECTION 24. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION DOA 2049 (R 07/2011)	
ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis	
Type of Estimate and Analysis	
<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	
Administrative Rule Chapter, Title, and Number	
Chapter PSC 118 Renewable resource credit tracking program.	
Subject	
Result of Statutory Changes Adopted in 2011 Wisconsin Act 155 Pertaining to Renewable Resource Credits.	
Fund Sources Affected	Chapter 20 , Stats. Appropriations Affected
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	
Fiscal Effect of Implementing the Rule	
<input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Indeterminate	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Costs
The Rule Will Impact the Following (Check All That Apply)	
<input type="checkbox"/> State's Economy <input type="checkbox"/> Local Government Units	<input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Public Utility Rate Payers
Would Implementation and Compliance Costs Be Greater Than \$20 million?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Policy Problem Addressed by the Rule	
The objective of the rulemaking is to amend relevant sections of ch. PSC 118 relating to renewable resource credits (RRCs) as a result of statutory changes adopted in 2011 Wisconsin Act 155, effective April 10, 2012.	

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units, and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)	
This rulemaking is expected to have no or minimal financial impact. All electric providers, customers or members of an electric provider, and renewable energy developers seeking to create renewable resource credits will be favorably impacted by this change, offering greater opportunities to create renewable resource credits. There is no anticipated impact on utility ratepayers.	
Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule	
Under this rulemaking, a customer or member of an electric provider may create a RRC for conventional electricity displaced by the use of a displacement facility. Previously, only the electric provider could create a RRC. There is no alternative to implementing this rulemaking because the changes reflect the statutory changes adopted in 2011 Wisconsin Act 155, effective April 10, 2012.	
Long Range Implications of Implementing the Rule	
More RRCs will be available in the market, and can be used to meet Wisconsin's renewable portfolio standard.	
Compare With Approaches Being Used by Federal Government	
There is no federal renewable portfolio standard, so no comparison can be made.	
Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)	
<p>Illinois Under Ill. Stat. ch. 220 § 5/16–107.5 (net metering), a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of not more than 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements is treated as owning and having title to the renewable energy attributes, renewable energy credits (RECs), and greenhouse gas emission credits related to any electricity produced by the qualified generating unit.</p> <p>Iowa Iowa state law does not address ownership of RECs for net-metering customers.</p> <p>Michigan A customer or member of an electric provider may generate or own a REC, providing that the facility is certified through the Michigan Renewable Energy Certification System (MIRECS). MIRECS is a tracking system similar to M-RETS. The Michigan Public Service Commission has also identified a REC aggregator who will aggregate like renewable energy that may then be purchased from retail customers or members.</p> <p>Minnesota Ownership of RECs where ownership is not addressed in power purchase agreements is not established under Minnesota Public Utility Commission rules or order; instead utilities must pursue negotiations and settlements with the owners of generation units.</p>	
Name and Phone Number of Contact Person	
Lisa Farrell	608-267-9086

Notice of Hearing

Safety and Professional Services

Safety, Buildings, and Environment — General Part I,
Chs. SPS 301–319
CR 13-042

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services in s. 101.82 (1), Wis. Stats., and interpreting s. 101.82 (1), Wis. Stats., the Department of Safety and Professional Services will hold a public hearing at the time and place indicated below to consider an order to repeal ss. SPS 316.210

(a) and (c) and (5) and 316.225 (1); to renumber ss. SPS 316.210 (2) (b) and (6), 316.225 (2), (3) (b), (4) and (5), and 315.230 (5); to renumber and amend ss. SPS 316.225 (3) (a) and 316.230 (3) and (4); to amend ss. SPS 316.004 (1), 316.005 Note [2], s. SPS 316.009 Note, s. SPS 316.010, 316.022, 316.090 (title), 316.110, 316.220 (1), 316.310 (title) and (intro.), 316.314 (title), 316.334 (2) (title), 316.400 (title), 316.450 (title) and (1), 316.511 (title), 316.620 (title), 316.675, 316.680 (title), and 316.700 (1) (intro.) and (3); to repeal and recreate ss. SPS 316.007, 316.210 (4), 316.250 (1), and 316.406, and to create s. SPS 316.023 Note, ss. SPS 316.210 (6), 316.300 (1) (a) 5., and 316.547 relating to electrical construction.

Hearing Information

Date: June 27, 2013
Time: 10:00 a.m.
Location: 1400 East Washington Avenue
 Room 121B
 Madison, Wisconsin

Appearances at the hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions, and argument in writing as well. Facts, opinions, and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8935, Madison, Wisconsin 53708 or emailed to jim.quast@wisconsin.gov.

Written Comments

Comments may be submitted to James Quast, Program Manager, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708–8935, or by email to jim.quast@wisconsin.gov. Comments must be received on or before July 5, 2013 to be included in the record of rule-making proceedings.

Copies of Proposed Rule

Copies of this proposed rule are available upon request to James Quast, Program Manager, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or by email at jim.quast@wisconsin.gov or on the Department's website at <http://dsps.wi.gov>.

Analysis Prepared by the Department of Safety and Professional Services

Statutes interpreted

Section 101.82 (1), Stats.

Statutory authority

Sections 101.02 (1) and 101.82 (1), Stats.

Explanation of agency authority

Section 101.82 (1), Stats., grants the Department of Safety and Professional Services general authority for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the installation, repair and maintenance of electrical wiring. In addition, the statutes read, "Where feasible, the rules shall reflect nationally recognized standards."

Related statute or rule

- Sections 101.63 (1) and 101.73 (1), Stats.
- Chapters SPS 361 to 366, Wisconsin Commercial Building Code.
- Chapters SPS 320 to 325 of the Uniform Dwelling Code.
- Chapter PSC 114, Public Service Commission.

Plain language analysis

The primary revisions to Chapter SPS 316 are to adopt the most current edition of the *National Electrical Code*[®] (*NEC*[®]). In addition to bringing the state electrical code up to date with modern technology, the proposed revisions clarify or supplement the electrical standards contained in the

2011 edition of the *NEC*[®]. The proposed rules contain a number of modifications to the technical requirements within these standards, reorganization of current requirements and editorial changes. The following is a summary of the major proposed changes to this chapter:

- a. Adopt by reference the most current edition of the *NEC*[®] and include correct cross-references to this standard. [SPS 316.007]
- b. Exclude the *NEC*[®] requirements for arc-fault circuit-interrupter (AFCI) protection on replacement of receptacles because of the *NEC*[®]'s delayed effective date (January 1, 2014). Wisconsin will wait a code cycle for product availability and for the resolution of issues that the new AFCI requirements will create. [SPS 316.210 (4) and SPS 316.406]
- c. Amend or repeal several Wisconsin modifications that reference the *NEC*[®] because of changes in the 2011 edition.

Summary of, and comparison with, existing or proposed federal regulations

There are several existing federal regulations that relate to the installation of electrical wiring and equipment. Some of these regulations require compliance with various editions of the *NEC*[®]. An internet-based search of the *Code of Federal Regulations* (CFR) found the following existing federal regulations relating to the activities to be regulated by this rule:

- *Title 29 CFR, Part 1910 — Occupational Safety and Health Standards*. Subpart S of this regulation in the Department of Labor contains design safety standards for electrical systems, safety-related work practices and maintenance requirements, and safety requirements for special electrical equipment to safeguard employees in their workplaces. Subpart R contains industrial lighting requirements and safe practices relating to lockouts and emergency lighting requirements for the safety of employees working in special industries.
- *Title 29 CFR, Part 1926 — Safety and Health Regulations for Construction*. Subpart K of this regulation in the Department of Labor contains installation safety requirements, safety-related practices, safety-related maintenance and environmental considerations, and safety requirements for special equipment necessary to safeguard employees involved in construction work.
- *Title 30 CFR, Part 75 — Mandatory Safety Standards — Underground Coal Mines*. Subpart F of this regulation in the Department of Labor contains electrical safety requirements for the protection of employees working in underground coal mines.
- *Title 30 CFR, Part 57 — Safety and Health Standards — Underground Metal and Nonmetal Mines*. Subpart K of this regulation in the Department of Labor contains specific electrical safety requirements for the protection of employees working in underground metal and nonmetal mines.
- *Title 24 CFR, Part 3280 — Manufactured Home Construction and Safety Standards*. Subpart I of this regulation in the Department of Housing and Urban Development covers electrical systems in manufactured homes, and requires compliance with the 2005 *NEC*[®].
- *Title 7 CFR, Part 1755 — Telecommunications Standards and Specifications for Materials, Equipment, and Construction*. This regulation in the

Department of Agriculture applies to telecommunications wiring and equipment, and requires compliance with the *NEC*[®].

The Occupational Safety and Health Administration (OSHA) revised the general industry electrical installation standard found in Subpart S of Title 29 CFR, Part 1910, effective on August 13, 2007. The Agency determined that electrical hazards in the workplace pose a significant risk of injury or death to employees, and that the requirements in the revised standard, which draw heavily from the National Fire Protection Association's (NFPA) Electrical Safety Requirements for Employee Workplaces (NFPA 70E), and the *NEC*[®], are reasonably necessary to provide protection from these hazards. This revised standard focuses on safety in the design and installation of electric equipment in the workplace. In the October 29, 2008, *Federal Register*, the Agency revised the regulatory text to clarify OSHA's scope and corrected some typographical errors.

Comparison with rules in adjacent states

An Internet-based search found that all adjacent states except Illinois adopt by reference various editions of the *NEC*[®].

- **Illinois** does not administer a state electrical code.
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- The **Michigan** Department of Labor and Economic Growth administers the Michigan Construction Code that adopts by reference the 2008 edition of the *NEC*[®] with modifications.
- The **Minnesota** Department of Labor and Industry, Building Codes and Standards Division, administers the Minnesota State Building Code that incorporates by reference the 2011 edition of the *NEC*[®].

Summary of factual data and analytical methodologies

The primary methodology for updating the Wisconsin Electrical Code, ch. SPS 316 has been a review and assessment of the latest edition of the national technical standards that serve as the basis for Wisconsin code. Staff compared the changes in the 2011 edition of the *NEC*[®] to the 2008 edition currently adopted under ch. SPS 316 and solicited code change proposals.

The department's review and assessment process involved the participation of the Electrical Code Advisory Council. The members of that Council represent the many stakeholders involved in the electrical industry including utility representatives, inspectors, labor and building contractors. The Council reviewed and discussed 37 code change proposals at its meetings.

The department believes the national model codes reflect current societal values with respect to safeguarding people and property from hazards arising from the use of electricity.

The 2011 edition of *NFPA 70*[®], *NEC*[®] is the most adopted code in the United States. Part of the National Fire Codes series published by the National Fire Protection Association (NFPA), the 2011 *NEC*[®] sets the benchmark for safe electrical design, installation, and inspection. The *NEC*[®] is developed by NFPA's committee on the National Electrical Code, which consists of 20 code-making panels and a technical correlating committee. The *NEC*[®] is approved as an American National Standard by the American National Standards Institute (ANSI). First published in 1897, the *NEC*[®] is updated and published every 3 years. Most states adopt the most recent

edition within a year of its publication to safeguard people and property.

More information on the development of this national model code may be obtained from the NFPA web site at www.nfpa.org or from the *NEC*[®] web site at www.necplus.org.

The Department has ensured the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis

The department used the Electrical Code Advisory Council to gather and analyze information on potential impacts in complying with both the technical and administrative requirements of the *NEC*[®]. Many small businesses belong to the industry associations that sit on the advisory council. A responsibility of council members is to bring forth concerns that their respective organizations may have with the requirements including economic impact.

The proposed rule changes also were shared with the Commercial Buildings Code Council, Uniform Dwelling Code Council and Multifamily Dwelling Code Council.

In addition to posting rule development and council activities on the department's web site, the department offers an email subscription service that is available to all small businesses and concerned interests. This service provides email notification of council meetings, meeting agendas, and council meeting progress reports so interested parties can follow proposed code changes.

Adopting the most current edition of the *NEC*[®] will not impose a significant impact on small businesses involved in the inspection, maintenance, service, and installation of electrical wiring.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Initial Regulatory Flexibility Analysis or Summary

The proposed rules update the Electrical Code, ch. SPS 316, to reference the 2011 edition of the *National Electrical Code*[®]. Currently, the Electrical Code references the 2008 edition.

No reporting, bookkeeping, and other procedures required for compliance with the rules.

No professional skills are required for compliance with the rules above those needed under the current rules.

Effect on Small Business

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Environmental Assessment

The Department has considered the environmental impact of the proposed rules. In accordance with ch. SPS 301, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to

believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

jim.quast@wisconsin.gov, (608) 266-9292 or by telecommunications relay services at 711.

Agency Contact Person

James Quast, Program Manager,

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION DOA-2049 (R03/2012)	DIVISION OF EXECUTIVE BUDGET AND FINANCE 101 EAST WILSON STREET, 10TH FLOOR P.O. BOX 7864 MADISON, WI 53707-7864 FAX: (608) 267-0372
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**ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title, and Number
 Chapter SPS 316, Electrical

3. Subject
 Electrical Construction

4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165 (2) (j)
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6. Fiscal Effect of Implementing the Rule

<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
	<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?
 Yes No

9. Policy Problem Addressed by the Rule
 The Department is responsible for establishing standards for electrical wiring. Under s. 101.82 (1), Stats., the rules are to reflect nationally recognized standards. The electrical wiring rules of chapter SPS 316 adopt and reference the 2008 edition of the *National Electrical Code*[®], (*NEC*[®]). The current edition of the *NEC*[®] is 2011. The rules propose to update and use the 2011 edition of the *NEC*[®] as the basic electrical wiring standards under ch. SPS 316.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
 The rules will affect any building, structure, or premises where the installation of electrical wiring will be undertaken, other than those buildings, structures, or premises regulated by the Public Service Commission. The rules will also affect any designer, installer, or inspector of electrical wiring along with owners and frequenters of buildings, structures, or premises where electrical wiring is installed. Any entity involved with the electrical industry will be affected.

11. Identify the local governmental units that participated in the development of this EIA.
 The Department did not receive any comments or information specifically from any local governmental units during the solicitation period. Two inspector associations, Southeastern Wisconsin and East Central Wisconsin, indicate that they believed that there was no significant negative impact.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units, and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rules referencing and adopting the 2011 edition of the *National Electrical Code*[®], (*NEC*[®]), do not impose any new or additional submission or reporting obligations.

The rules were developed with input from an advisory council that includes representatives of electricians, contractors, inspectors, and state agencies. Drafts of the rules were also shared with advisory councils for the commercial building code and the uniform dwelling code. A notice soliciting comments for the EIA was posted on the Department's web site and the Wisconsin Administrative Rule web site.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed rules referencing and adopting the 2011 edition of the *National Electrical Code*[®], (*NEC*[®]), would provide a degree of protection for the safety of the public equivalent to that established by a national consensus model (code). The latest *NEC*[®] is also used by manufacturers to design and construct electrical components, devices, and equipment. Leaving the code to reference an out-of-date edition would potentially increase the risk to public safety by setting lower design, operational, and maintenance thresholds in comparison to published engineering practices.

14. Long Range Implications of Implementing the Rule

No long range implications of implementing the rule are anticipated.

15. Compare With Approaches Being Used by Federal Government

There are several existing federal regulations that relate to the installation of electrical wiring and equipment. Some of these regulations require compliance with various editions of the *NEC*[®]. An internet-based search of the *Code of Federal Regulations* (CFR) found the following existing federal regulations relating to the activities to be regulated by this rule:

- *Title 29 CFR, Part 1910 — Occupational Safety and Health Standards.* Subpart S of this regulation in the Department of Labor contains design safety standards for electrical systems, safety-related work practices and maintenance requirements, and safety requirements for special electrical equipment to safeguard employees in their workplaces. Subpart R contains industrial lighting requirements and safe practices relating to lockouts and emergency lighting requirements for the safety of employees working in special industries.
- *Title 29 CFR, Part 1926 — Safety and Health Regulations for Construction.* Subpart K of this regulation in the Department of Labor contains installation safety requirements, safety-related practices, safety-related maintenance and environmental considerations, and safety requirements for special equipment necessary to safeguard employees involved in construction work.
- *Title 30 CFR, Part 75 — Mandatory Safety Standards — Underground Coal Mines.* Subpart F of this regulation in the Department of Labor contains electrical safety requirements for the protection of employees working in underground coal mines.
- *Title 30 CFR, Part 57 — Safety and Health Standards — Underground Metal and Nonmetal Mines.* Subpart K of this regulation in the Department of Labor contains specific electrical safety requirements for the protection of employees working in underground metal and nonmetal mines.
- *Title 24 CFR, Part 3280 — Manufactured Home Construction and Safety Standards.* Subpart I of this regulation in the Department of Housing and Urban Development covers electrical systems in manufactured homes, and requires compliance with the 2005 *NEC*[®].
- *Title 7 CFR, Part 1755 — Telecommunications Standards and Specifications for Materials, Equipment, and Construction.* This regulation in the Department of Agriculture applies to telecommunications wiring and equipment, and requires compliance with the *NEC*[®].

The Occupational Safety and Health Administration (OSHA) revised the general industry electrical installation standard found in Subpart S of Title 29 CFR, Part 1910, effective on August 13, 2007. The Agency determined that electrical hazards in the workplace pose a significant risk of injury or death to employees, and that the requirements in the revised standard, which draw heavily from the National Fire Protection Association's (NFPA) Electrical Safety Requirements for Employee Workplaces (NFPA 70E), and the *NEC*[®], are reasonably necessary to provide protection from these hazards. This revised standard focuses on safety in the design and installation of electric equipment in the workplace. In the October 29, 2008, *Federal Register*, the Agency revised the regulatory text to clarify OSHA's scope and corrected some typographical errors.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

An Internet-based search found that all adjacent states except Illinois adopt by reference various editions of the *NEC*[®].

- **Illinois** does not administer a state electrical code.
- The **Iowa** Department of Public Safety administers the Iowa Building Code that adopts the 2011 edition of the *NEC*[®] with modifications.
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- The **Minnesota** Department of Labor and Industry, Building Codes and Standards Division, administers the Minnesota State Building Code that incorporates by reference the 2011 edition of the *NEC*[®].

17. Contact Name

James Quast

18. Contact Phone Number

(608) 266-9292

This document can be made available in alternate formats to individuals with disabilities upon request.

Submittal of Proposed Rules to Legislature

Please check the Bulletin of Proceedings — Administrative Rules for further information on a particular rule.

Safety and Professional Services
Safety, Buildings, and Environment — General Part I,
Chs. SPS 301–319

CR 09–029

On May 16, 2013, the Department of Safety and Professional Services submitted to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees for review under s. 227.19, Stats., a rule-making order revising Chapters SPS 305 and 316, relating to electrical inspection.

This rule is not subject to s. 227.135 (2), Stats., as affected by 2011 Wis. Act 21. The scope statement for this rule, published in Register No. 632 on November 14, 2007, was sent to the LRB prior to June 8, 2011, the effective date of Act 21.

Safety and Professional Services —
Medical Examining Board
CR 13–008

On May 16, 2013, the Medical Examining Board submitted to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees for review under s. 227.19, Stats. a rule-making order to revise ch. Med 10, relating to unprofessional conduct.

This rule is not subject to s. 227.185, Stats. The statement of scope for this rule was published in Register No. 656 on

August 31, 2010, and was sent to the LRB prior to the effective date of 2011 Wis. Act 21.

Safety and Professional Services —
Optometry Examining Board
CR 13–017

On June 3, 2013, the Optometry Examining Board submitted a rule-making order to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees for review under s. 227.19, Stats. The proposed rule revises s. Opt 5.02 (4), relating to lens prescription.

The Governor approved the rule under s. 227.185, Stats., on June 3, 2013.

Safety and Professional Services —
Pharmacy Examining Board
CR 13–018

On May 28, 2013, the Pharmacy Examining Board submitted a rule-making order to the Chief Clerks of the Senate and the Assembly for referral to appropriate standing committees for review under s. 227.19, Stats. The proposed rule revises s. Phar 7.01 (1) (e), relating to delivery of prescription drugs.

The Governor approved the rule under s. 227.185, Stats., on May 17, 2013.

Rule Orders Filed with the Legislative Reference Bureau

The following administrative rule orders have been filed with the Legislative Reference Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Legislative Reference Bureau at bruce.hoesly@legis.wisconsin.gov or (608) 266-7590 for updated information on the effective dates for the listed rule orders.

Natural Resources

Environmental Protection — General, Chs. NR 100—

Environmental Protection — WPDES, Chs. NR 200—

CR 12-027

(DNR # WT-23-11)

An order of the Department of Natural Resources to revise Chapters NR 110, 205, 208, and 210, relating to wastewater treatment works.
Effective 8-1-13.

Public Notices

Health Services

Medicaid Reimbursement for Prescription Drugs — Multi-State Purchasing Pool Supplemental Rebate Agreement

The State of Wisconsin reimburses providers for services provided to Medical Assistance recipients under the authority of Title XIX of the Social Security Act and ss. 49.43 to 49.47, Wisconsin Statutes. This program, administered by the State's Department of Health Services (the Department), is called Medical Assistance (MA) or Medicaid. In addition, Wisconsin has expanded this program to create the BadgerCare and BadgerCare Plus programs under the authority of Title XIX and Title XXI of the Social Security Act and ss. 49.471, 49.665, and 49.67 of the Wisconsin Statutes. Federal statutes and regulations require that a state plan be developed that provides the methods and standards for reimbursement of covered services. A plan that describes the reimbursement system for the services (methods and standards for reimbursement) is now in effect. A separate program, SeniorCare, provides "Prescription drug assistance for elderly persons" under the authority of s. 49.688 of the Wisconsin Statutes.

Change in Payment Methods

Among the services provided to recipients of services under Medical Assistance, BadgerCare, BadgerCare Plus, and SeniorCare are prescription drugs and related pharmacy services. Expenditures for pharmacy services are offset in part by rebate agreements with suppliers of prescription drugs. Part of the system by which Wisconsin receives these rebates is a multi-state purchasing pool supplemental rebate agreement. The Department intends to change the template of the supplemental rebate agreement.

The change will be effective January 1, 2014, and will apply to claims with dates of service on or after that date. The change to Medicaid, BadgerCare, BadgerCare Plus, and SeniorCare supplemental rebate agreement is projected to result in no change in expenditures.

Copies of Changes

Copies of the revised contract template may be obtained free of charge by calling or writing as follows:

Regular Mail
Kim Reniero
Bureau of Benefits Management
Division of Health Care Access and Accountability
P.O. Box 309
Madison, WI 53701-0309

Fax
(608) 266-1096
Attention: Kim Reniero

Telephone
Kim Reniero
Bureau of Benefits Management
(608) 267-7939

E-Mail
kimPI.reniero@dhs.wisconsin.gov

Copies of the state plan change will be made available for review at the main office of any county department of social services or human services.

Written Comments

Written comments are welcome. Written comments on the proposed changes may be sent by fax, e-mail, or regular mail to the Division of Health Care Access and Accountability. The fax number is (608) 266-1096. The e-mail address is kimPI.reniero@dhs.wisconsin.gov. Regular mail can be sent to the above address. All written comments will be reviewed and considered.

The written comments will be available for public review between the hours of 7:45 a.m. and 4:30 p.m. daily in Room 350 of the State Office Building, 1 West Wilson Street, Madison, Wisconsin. Revisions may be made in the proposed changed methodology based on comments received.

Natural Resources

Notice of State Implementation Plan Submittal to Legislature to Incorporate Rule Revision of Total Suspended Particulate

On May 16, 2013, the Wisconsin Department of Natural Resources (WDNR) submitted to the standing committees of the legislature with jurisdiction over environmental matters under s. 13.172 (3), Wis. Stats., a report describing WDNR's proposal to submit a revision to Wisconsin's State Implementation Plan (SIP) for air quality to the U.S. Environmental Protection Agency (EPA). The WDNR is requesting that the U.S. EPA approve the proposed SIP revision to incorporate the repeal of the state's total suspended particulate air quality standard. The purpose of the proposed SIP revision is to incorporate the following rule revision that became effective on December 1, 2011: AM-23-07B — Repeal of the state's total suspended particulate (TSP) air quality standard. The WDNR pursued this rule change to align the state's air quality standards, which can be found in ch. NR 404, Wis. Adm. Code, with the federal National Ambient Air Quality Standards (NAAQS). The Wisconsin Natural Resources Board (NRB) adopted this rule change on June 22, 2011. The Wisconsin NRB's order is included in the report.

A hard copy or electronic copy of the report that WDNR is providing to the legislature may be obtained by contacting Mr. Joseph Hoch, Regional Pollutants Section Chief, at (608) 267-7543 or joseph.hoch@wisconsin.gov.

Natural Resources

Notice of State Implementation Plan Submittal to Legislature for Nitrogen Dioxide, Ozone, and Sulfur Dioxide National Ambient Air Quality Standards

On May 16, 2013, the Wisconsin Department of Natural Resources (WDNR) submitted to the standing committees of the legislature with jurisdiction over environmental matters under s. 13.172 (3), Wis. Stats., a report describing WDNR's proposal to submit a revision to Wisconsin's State Implementation Plan (SIP) for air quality to the U.S. Environmental Protection Agency (EPA). The WDNR is requesting that the U.S. EPA approve Wisconsin's infrastructure SIP for the 2008 ozone, and the 2010 nitrogen dioxide and sulfur dioxide National Ambient Air Quality Standards (NAAQS). Pursuant to Section 110 (a) of the federal Clean Air Act (CAA), states are required to submit an infrastructure SIP to provide for the implementation, maintenance, and enforcement of revised NAAQS. The purpose of this proposed SIP revision is to comply with Section 110 (a) of the CAA. The proposed SIP revision does not include any changes to Wisconsin's administrative rules. The U.S. EPA revised the NAAQS for ozone in 2008, effective on May 27, 2008 [73 FR 16436], the NAAQS for nitrogen dioxide in 2010, effective on April 12, 2010 [75 FR 6474], and the NAAQS for sulfur dioxide in 2010, effective on August 23, 2010 [75 FR 35520]. The draft infrastructure SIP that the WDNR plans to submit to the U.S. EPA is included in the report.

A hard copy or electronic copy of the report that WDNR provided to the legislature may be obtained by contacting Mr. Joseph Hoch, Regional Pollutants Section Chief, at (608) 267-7543 or joseph.hoch@wisconsin.gov.

Natural Resources

Notice of State Implementation Plan Submittal to the Legislature Regarding Supplemental Information for Wisconsin's Fine Particulate Matter Redesignation Request for the Milwaukee-Racine Nonattainment Area

On May 29, 2013, the Wisconsin Department of Natural Resources (WDNR) submitted to the standing committees of the Wisconsin State Legislature with jurisdiction over environmental matters under s. 13.172 (3), Wis. Stats., a report describing WDNR's proposal to submit a revision to Wisconsin's State Implementation Plan (SIP) for air quality to the U.S. Environmental Protection Agency (EPA). This report includes an ammonia (NH₃) emissions inventory and fine particulate matter (PM_{2.5}) design value modeling for the Milwaukee-Racine PM_{2.5} Nonattainment Area. The Milwaukee-Racine PM_{2.5} Nonattainment Area includes the counties of Milwaukee, Racine, and Waukesha. In light of two recent decisions from the United States Court of Appeals for the District of Columbia (*EME Homer City Generation, L.P. v. EPA* issued on August 21, 2012 and *Natural Resources Defense Council v. EPA* issued on January 4, 2013), the U.S. EPA requested this additional information before it could make a regulatory decision on the Department's outstanding PM_{2.5} redesignation request that was originally submitted on June 5, 2012.

A hard copy or electronic copy of the report that WDNR is providing to the legislature may be obtained by contacting Mr. Joseph Hoch, Regional Pollutants Section Chief, at (608) 267-7543 or joseph.hoch@wisconsin.gov.

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